

Bernard F. Lynch  
*City Manager*

R01-14-A-018

January 22, 2014

Environmental Management Support, Inc.  
Attn: Mr. Don West  
8601 Georgia Avenue, Suite 500  
Silver Spring, MD 20910

Dear Mr. West:

I am pleased to submit the attached proposal for the City of Lowell, Massachusetts to the United States Environmental Protection Agency's (USEPA) Brownfields Assessment Grant Program. This grant represents a unique opportunity to minimize adverse environmental and economic impacts to residential and commercial areas, optimize ecological resources, create an environment which stimulates reinvestment, increase property values, and improve employment prospects.

- |                                    |   |
|------------------------------------|---|
| <b>a. Applicant Identification</b> | City of Lowell, Massachusetts<br>Department of Planning and Development<br>JFK Civic Center, 50 Arcand Drive<br>Lowell, MA 01852                  |
| <b>b. Applicant DUNS Number</b>    | 079521928   |
| <b>c. Funding Requested</b>        | i) Grant Type: Brownfields Assessment<br>ii) Federal Funds Requested: \$200,000<br>iii) Contamination: Hazardous Substances<br>iv) Community-wide |
| <b>d. Location</b>                 | City of Lowell, Massachusetts   |
| <b>e. Site Specific Proposal</b>   | Not applicable  |

**f. Contacts**

**i) Project Director:** Sarah Brown  
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Department of Planning and Development  
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**ii) Chief Executive/Highest Ranking Officer** Bernard F. Lynch  
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**g. Date Submitted** 1/22/2014

**h. Project Period** 3 years

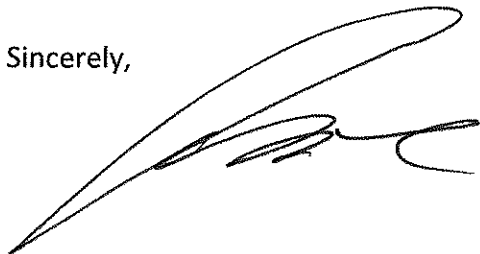
**i. Population** 2010 Census - 106,519

**j. Other Factors Checklist** See attached

The City of Lowell has been a national example in Brownfields redevelopment, from the 7,800 seat Paul Tsongas Arena to the 5,000 seat LeLacheur Park – home to the Boston Red Sox minor league affiliate Lowell Spinners. Lowell has time and again proven itself a national leader in Brownfields redevelopment and we hope to continue this trend through the redevelopment of the Ayer's City Industrial Park.

We thank you for the ongoing support USEPA has given the City of Lowell, and we look forward to continuing that partnership with the successful planning and implementation of a Brownfields Assessment Grant.

Sincerely,



Bernard F. Lynch

City Manager

cc: Adam Baacke, Assistant City Manager/DPD Director  
Craig Thomas, Urban Renewal Project Manager  
Sarah Brown, Environmental Officer

## CITY OF LOWELL, MASSACHUSETTS

### EPA BROWNFIELDS ASSESSMENT GRANT PROGRAM APPLICATION

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#### The Lowell Assessment Grant Proposal Introduction

The City of Lowell, Department of Planning and Development (DPD), is applying for \$200,000 in community-wide, hazardous substances Assessment Grant funds from the United States Environmental Protection Agency (EPA). Focus for grant funds will be directed toward the Ayer's City Industrial Park (ACIP), a planning effort funded through an EPA Brownfields Area-Wide Planning Pilot Grant awarded in 2010. ACIP has been highlighted under the Investing in Manufacturing Communities Partnership (IMCP), a White House initiative that will help accelerate the resurgence of manufacturing and create jobs in cities across the country. Lowell has been selected through this partnership to host a workshop in February 2014 that will create a dialog about industrial reuse of vacant, underutilized, and contaminated properties proposed in the ACIP Plan and manufacturing in Lowell.

#### The Lowell Assessment Grant Ranking Criteria

##### 1. COMMUNITY NEED

##### a. Targeted Community and Brownfields

##### i) Targeted Community Description

The City of Lowell is a diverse urban community built primarily around an extensive industrial mill network along the Merrimack and Concord Rivers and 5.6 miles of man-made canals. Currently home to 106,519 people, Lowell is said to be the nation's first planned industrial City which surged to prominence during America's Industrial Revolution. Lowell's 14 square miles are almost completely built out with historic mills and industrial buildings adjacent to high-density residential neighborhoods.

Following World War I, Lowell saw a significant decline in manufacturing. This decline persisted throughout much of the 20<sup>th</sup> century and resulted in large-scale disinvestment and decay. With a critical shortage of developable land and a lack of modern industrial space, Lowell has found it challenging to attract job-producing industrial businesses to the area. Over the past two decades several successful local manufacturers have been forced to relocate out of Lowell due to the lack of suitable expansion sites. The resulting abandoned industrial structures create unintended public health and safety hazards for residents along with a significant loss of jobs (more than 20,000) and economic development struggles within a City once proud of being synonymous with the American Dream.

New arrivals to Lowell, a city of immigrants, traditionally provided the workforce to build the City's industrial base and create solid, middle-class neighborhoods starting with the Irish immigration of the 19<sup>th</sup> century. Since 1980, Lowell has experienced significant growth in its minority population, estimated at 59.3% of its overall population (2010 U.S. Census). Today, Cambodians, Lowell's largest ethnic minority and approximately 20 percent of the total City population have experienced, first hand, the impacts resulting from the loss of manufacturing jobs. They are willing and able to provide the manufacturing labor for the twenty-first century, but Lowell's industrial base has eroded away from them.

The focus of this application will be directed toward a largely vacant industrial area of Lowell which was the subject of a 2010 EPA Brownfields Area-wide Planning Pilot Grant for the Ayer's City Industrial Park. The Ayer's City Industrial Park encompasses approximately 108 acres of land located one mile south of Lowell's central business district. The area is bounded by the River Meadow Brook and the Lowell Connector Highway to the west, and the Boston and Maine Railroad/MBTA tracks to the east. Today, most of the area is zoned as heavy industry and immediately abuts a densely-settled residential area to the south.

Daniel Ayer's original vision of an industrial, job-producing hub for this area, realized in part during the end of the 19<sup>th</sup> century, was lost over the course of the 20<sup>th</sup> century. Manufacturing facilities changed over time, and today, surface lot, low-density uses like scrap metal, junk yards and used auto parts dominate the landscape. The rise of these less desirable industrial uses coincides with the recognition of environmental contamination in the area, including and especially the addition of the Silresim Chemical Corporation (Silresim) to the National Priorities List (NPL) in 1983, for which cleanup is ongoing.

## ii) Demographic Information

The following table is comprised of data from the 2010 U.S. Census and other listed sources:

	City (Lowell)	State (Massachusetts)	National
Population	106,519	6,547,629	308,745,538
Asian	20.2%	5.3%	5.0%
Hispanic	17.3%	9.6%	16.7%
Unemployment	7.9% <sup>1</sup>	6.6% <sup>1</sup>	7.2% <sup>2</sup>
Poverty Rate	17.5% <sup>3</sup>	10.5% <sup>3</sup>	15.1% <sup>3</sup>
Percent Minority	59.3%	19.6%	26.7%
Per Capita Income	\$22,730	\$33,966	\$26,530
Median Household Income	\$50,192 <sup>3</sup>	\$64,509 <sup>3</sup>	\$49,445 <sup>3</sup>
<sup>1</sup> Data is from the Massachusetts Executive Office of Labor and Workforce Development			
<sup>2</sup> Data is from the Bureau of Labor Statistics			
<sup>3</sup> Data is from the 2010 American Community Survey			

Additional Data from the 2010 U.S. Census:

- 23.7% of Lowell's residents are under the age of 18
- Female population – 50%
- 20% of the City-wide population are women of child-bearing age (15-39 years old)
- Over 60% of female only households have children under 18 years of age
- 21% of the population over 25 years old has less than a high school diploma

## iii) Brownfields

In 1847, when Daniel Ayer drew the original plans for a mixed-use industrial and residential district, dubbed Ayer's City, the area was largely undeveloped. By 1896, the Boston and Maine Railroad had significant land holdings, with a rail yard, turntable, locomotive house and coal sheds, which continued to expand into the 1920s. There were a number of industrial uses including a tannery, soap maker, boiler works, oil and coal companies, iron foundry, and a woolen mill. By 1938 River Meadow Brook was channelized to accommodate the expanding industrial district. In 1950, industries located in the area included scrap metal yards; a paints, oils and varnish company; fuel companies; a machinery shop; a boiler works; an iron and steel company; lumber yards and coal companies.

The industrial development of Ayer's City through the 1970's and 1980's shows the movement away from job-producing industries and successful companies to low-density, last-resort commercial industries. The 1976 Sanborn map shows scrap metal and junk yards; a used auto parts company; auto repair shops; the Silresim Chemical Corporation; and fuel oil companies. Finally, in 1983 the Silresim property was listed as an EPA Superfund site. Concerns about contamination stalled most development in this area.

According to a Brownfields site inventory completed by the City in April 2009, there are over 50 City-owned or tax title potential Brownfields properties and well over 350 non-City owned potential Brownfields properties of ranging sizes and locations throughout the City. Furthermore, according to the Massachusetts Department of Environmental Protection (MassDEP), Lowell has reported having over 500 documented releases of hazardous materials and/or oil, 17 of which are located in Ayer's City Industrial Park.

Contained within the industrial park area are several well-known Brownfields sites and the National Priorities List site, Silresim. Groundwater contamination from the Silresim site is said to extend to nearly 16 acres of property and soil contamination extends for nearly 7 acres.

As part of the work performed under the 2010 Brownfields Area-Wide Planning Pilot Grant, CDW Consultants, Inc. (CDW) conducted a district-wide environmental assessment to inventory Brownfields sites in the Ayer's City Industrial Park. CDW broke the district down into eleven (11) Brownfields Focus Areas (named A through K) which were ranked based upon a specific set of environmental criteria that considered impacts from Silresim and other Recognized Environmental Concerns (RECs) as follows:

Brownfields Focus Area	Owner	Wetlands Resources	Silresim Impacts	Release Tracking Numbers	Activity and Use Limitations	Recognized Environmental Conditions	Total
A	Private	YES	2	0	0	7	9
B	Private	YES	2	0	0	4	6
C	Private	NO	3	0	0	3	6
D	Private	NO	3	0	0	6	9
E	Private	YES	0	2	1	5	8
F	Public	YES	0	0	0	4	4
G	Private	NO	0	0	0	2	2
H	Private	NO	0	0	0	3	3
I	Private	NO	4	1	0	6	11
J	Private	YES	2	0	0	2	4
K	Private	NO	0	0	0	2	2

Scores for Brownfields Focus Areas represent a number of RECs, some of which might limit feasible redevelopment options and include the following:

- Contaminated surface, subsurface soil or groundwater may be present due to historic and current industrial uses. Contaminants may include heavy metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), chlorinated compounds, polychlorinated biphenyls (PCBs), dioxins and furans, petroleum hydrocarbons (such as fuel oil and waste oil), coal tar, oil and grease and fly ash.
- Contamination with VOCs, SVOCs, metals, PCBs, and pesticides as a result of the Silresim Superfund Site.
- Current and historic railroad and related operations which may have contaminated the area with petroleum hydrocarbons, waste acids and caustics, heavy metals, VOCs, Benzene Toluene Ethylbenzene Xylene (BTEX), solvents, fuels, oil and grease, and PCBs.

#### iv) Cumulative Environmental Issues

Ayer's City Industrial Park saw its most intensive period of development at the turn of the century. Rail lines, sidings, and a marshalling yard were extended through Ayer's City Industrial Park and a number

of the major roads were paved during that period. The buildings and marshaling yard no longer exist today, however; the rail lines were never abandoned and removed. A rail spur still exists behind Silresim, is located in close proximity to the East Pond and extends south through the abutting residential area. An active commuter rail line bounds the district to the east. Common contaminants found along rail lines include:

- Creosote – Used for wooden railroad ties
- Herbicides – Vegetation management
- PAHs - Byproducts of combustion
- PCBs – From transformers and capacitors used in electric generation
- Metals – Used as preservatives in wooden ties, pesticides (arsenic), and from combustion byproducts

Another result of this rapid, unplanned development was a significant pollution problem from industrial and domestic wastes. Discharges and runoff from factories and homes were directed into the River Meadow Brook. Millions of gallons of industrial wastes including dyes, chemicals, and oil-laden waters were discharged into the brook. While industrial discharge is no longer impacting the health of the brook, concerns related to industrial and road runoff still exist. The Massachusetts Department of Environmental Protection, in accordance with Sections 305(b) and 303(d) of the Clean Water Act, maintains a list of impaired water bodies of which River Meadow Brook is included. Impairment to the brook is primarily caused by fecal coliform bacteria, non-native aquatic species, and trash and debris.

Silresim, located in the heart of Ayer's City Industrial Park, was an active chemical waste and reclamation facility from 1971 to 1977, when the property was abandoned. The activities carried out on the site included recycling and retaining chemicals and chemical wastes on site for later disposal. When the property was abandoned, there were approximately 30,000 decaying drums containing chemicals covering virtually every open area of the property. There was evidence of spills, leaking drums, releases to city sewers, and contaminated storm water runoff to adjacent properties.

A review of EPA's environmental justice mapping tool, EJView, shows that 40-100% of residents in the residential area immediately abutting Ayer's City Industrial Park are minorities, placing environmental justice issues at the forefront of consideration. According to the 2010 U.S. Census, Lowell's Asian population is estimated at over 20,000, and includes the largest population of Cambodians on the East Coast. Lowell's Cambodian population is second only to Long Beach, CA in the United States (U.S.). Even with the recent counts, it is a common sentiment that there is an undercount amongst the Cambodian population, and accurate totals may be as much as double the counted population.

**b. Impacts on Targeted Community**

Lower income residential neighborhoods and former industrial areas in Lowell tend to suffer from the greatest impacts related to Brownfields. These impacts range from abandoned, blighted buildings and open parcels with unknown environmental hazards, to increased health issues such as asthma and other respiratory diseases, to increased crime rates. Abandoned properties have served as a haven for drug users and the homeless, and are often used by children as recreational space when no other space is available.

According to the most recent data available (2007-2008) from the Massachusetts Department of Public Health (DPH), the prevalence of current asthma is 13% among children in the City of Lowell. This number is significantly higher than the state average of 10.5% and the national prevalence rate of 9.1%. Data collected by Professor David Turcotte, Sc.D. and the Asthma Coalition at the University of Massachusetts-Lowell shows emergency room visit hospitalizations for respiratory system diseases

have been fairly steady since 1989, with Lowell being consistently higher than the Community Health Needs Assessment (CHNA) and Massachusetts. The 2009 rates show 1,651 emergency room visit hospitalizations per 100,000 in Lowell, 1,319 in the CHNA, and 1,066 in Massachusetts. Asthma related hospitalizations for children ages 0-4 have had an upward trend since 1995. From 2009-2011, asthma hospitalization rates for children ages 0-4 were much higher in Lowell than Massachusetts. In 2011, rates were 639 per 100,000 in Lowell and 414 in Massachusetts. For children ages 5-14, asthma hospitalizations rates are less than half that of the 0-4 age group.

Lowell is one of nine (9) high risk communities for childhood lead poisoning in Massachusetts. Between June 1, 2007 and June 30, 2012, 24 newly confirmed cases with blood lead levels exceeding 20 mcg/dL were identified. The rate for childhood lead poisoning in the City is approximately one (1) for every 1000 children between the ages of 6 to 72 months. Due the age of housing stock and past industrial uses, the incidence of heavy metal contamination, particularly lead, in soil is a common problem.

Hazardous vapors migrating through a building's basement or foundation from contaminated soil or groundwater is becoming a growing concern. Vapor intrusion from volatile organic compounds, like the compounds identified as Recognized Environmental Concerns in CDW's district-wide site assessment for Ayer's City Industrial Park, can potentially create health problems for occupants of these buildings. Properties immediately abutting the Silresim site will have to be evaluated for vapor intrusion as part of assessment work under this grant.

Due to the vast number of vacant, abandoned, and underutilized properties crime is an ongoing issue in area of Ayer's City Industrial Park. A review of data from the City's Compstat program, managed by the Lowell Police Department Crime Analysis/Intelligence Unit, shows 77 incidences of aggravated assault, burglary, car breaks, disorderly, shoplifting, and vandalism in 2013. This number has remained fairly consistent since 2006 with a range of 54 to 94 crimes committed per year.

**c. Financial Need**

**i) Economic Conditions**

Since 2003, Lowell has been greatly impacted by shifts in the nation's economy. The U.S. suffered its most severe economic recession since the Great Depression. Job and housing markets were greatly affected by new and more conservative lending practices and more conservative consumer spending practices by businesses and individuals. Lowell's unemployment rate reached double digits during this timeframe and its housing market reflected national trends related to foreclosures. Today, local unemployment rates are still lagging behind regional and national averages; companies continue to find ways to save money by consolidating operations or holding-off on hiring; small businesses are filing for bankruptcy, and there are over 4000 foreclosed properties scattered throughout the City, becoming an eyesore to our neighborhoods.

One of the biggest challenges that the City faces in recruiting and/or retaining larger companies is that the majority of the existing commercial/industrial space is inadequate, blighted and perceived to have contamination issues. Economically, Brownfields sites make redevelopment more challenging because assessment and remediation is costly and financing options are limited. Often companies are looking to move into existing retrofitted buildings and cannot afford to wait or invest in major redevelopment projects. As a result, these companies locate in surrounding communities where there are newer buildings on clean sites.

As a broader impact of the economic downturn, household incomes have failed to keep pace with the increases in housing costs that occurred in the Lowell area during the housing boom of the early

2000s. This has ultimately caused a decrease in housing affordability, particularly for rentals, and an increase in the number of foreclosures. The lack of affordable housing options is particularly detrimental to those families with low and moderate incomes which comprise the majority of families in Lowell. As of the 2010 U.S. Census, 32.7% of Lowell residents earned less than 80% of the area median income. Census data indicates that the median household income is \$50,192 and per capita income is \$22,730. Over 17% of people live in poverty, approximately 3 percentage points higher than the national poverty rate.

The statistics referenced in this section highlight the clear need for more and better quality jobs and improvements to standards of living. Furthermore, due to the recent economic downturn, the City of Lowell has experienced severe cuts in its municipal budget, thus prohibiting the ability to spend significant funds on remediation projects critical to achieving these goals. State and Federal budget cuts have also had a negative impact on the City's ability to support many of the programs and services provided to residents and businesses in need. The City has seen an approximately 23% cut in Community Development Block Program Funds since 2010. MassDevelopment, a financial arm of the Commonwealth of Massachusetts, no longer has funding through its Brownfields Redevelopment Fund, a program that has been critical in the redevelopment of economic development projects in the City.

Lowell has also experienced economic hardship related to a series of flooding events, most notably the Mother's Day Flood of 2006. For only the third time in 150 years, the Francis Gate, a flood gate which protects the downtown area from flooding had to be lowered. The Pawtucket Dam on the Merrimack River, which can manage up to 36,000 cubic feet of water per second, was seeing flows as high as 96,000 cubic feet per second. Hundreds of residents were evacuated from their homes and the Governor of the Commonwealth of Massachusetts declared a state of emergency. The University of Massachusetts – Lowell was shut down for a week to deal with flooding on campus, particularly along the river. Lowell requested approximately \$160,000 in aid from the Federal Emergency Management Administration for assistance with costs for flooding related damages. Other notable storms include the Patriot's Day Flood of 2007 and the December ice storm in 2008. As a result of the ice storm, the City was without power for days; some parts being without power for over a week.

#### ii) Economic Effects of Brownfields

Based on the information gathered as part of the Brownfields Area-Wide Planning Pilot Grant, the City of Lowell has determined that Ayer's City Industrial Park is decadent, in accordance with M.G.L. Chapter 121B, Sections 45 and 46, and that it is unlikely to be redeveloped by the ordinary operations of private enterprise.

*A "decadent area" is defined under the MGL as "an area which is detrimental to safety, health, morals, welfare or sound growth of a community because of the existence of buildings which are out of repair, physically deteriorated, unfit for human habitation, or obsolete, or in need of major maintenance or repair, or because much of the real estate in recent years has been sold or taken for nonpayment of taxes or upon foreclosure of mortgages, or because buildings have been torn down and not replaced and under existing conditions it is improbable that the buildings will be replaced..."*

The City undertook a survey of the Area which included inspection of 100% of the exteriors and 12% of the interiors of all 50 buildings and assembled data from a variety of other sources to support its finding.

The following information has been compiled from the survey:



- Within the Area 53% of the existing buildings (53% of the building square footage) are out of repair, physically deteriorated, unfit for human habitation, obsolete, or in need of major maintenance or repair.
- Nine (9) properties or eight percent (8%) of all properties within the Area have been foreclosed upon or are in the tax title process by the City for failure to pay real estate taxes to the City of Lowell (as of November 2, 2012). This includes three parcels (totaling 4.32 acres) that comprise the Silresim Superfund Site.
- Diversity of ownership, irregular lot sizes and obsolete street patterns have made it improbable that the ordinary operations of private enterprise can assemble parcels for redevelopment.

Many of these statistics can be directly attributed to the known and perceived contamination from the area's past industrial uses and the Silresim site. Following the Silresim site's addition to the National Priorities List in 1983, new development in the district ceased. Manufacturing businesses, which generally require a larger number of employees, moved out of the district and were replaced with low-density job creating businesses including auto-repair shops, auto-parts scrap yards, and used car sales lots. The Brownfields Area-Wide Plan estimates that redevelopment of the area will result in approximately 300,000 square feet of industrial development, increased jobs and an increased tax revenue of over \$1.3 million. From these numbers, it can be assumed that the lack of development resulting from perceived contamination has significantly impacted the City's tax revenues and job totals since the 1980s.

## 2. PROJECT DESCRIPTION AND FEASIBILITY OF SUCCESS

### a. Project Description

#### i) Describe the Project That Will be Funded

In November 2010, the City of Lowell was awarded a "Brownfields Area-wide Planning Pilot Grant" from the EPA to focus on district-wide planning for the Tanner Street area of Lowell. This study built upon the City's 10-year planning efforts, known as the "Tanner Street Initiative," focused on establishing a collective vision in an effort to significantly improve the overall environmental health, economics, job opportunities and quality of life within this part of the City.

The result of the area-wide planning study is the *Ayer's City Industrial Park Urban Revitalization and Development Project* (Plan), an Urban Renewal Plan developed in accordance with the requirements set forth in Massachusetts General Laws (M.G.L.) Chapter 121B for the Urban Renewal Program. This program is designed to address areas that are substandard, decadent, and/or blighted and where the cost of redevelopment is too great for private enterprise.

The Plan seeks to revitalize a largely vacant industrial area of Lowell with the potential to drive the next decade of job creation and industrial resurgence; a transformation that residents can be proud of. Today, most of the area is zoned as heavy industry, with some commercial and residential areas identified on the periphery.

The Ayer's City Industrial Park Brownfields Area-Wide Plan identified ten (10) priority redevelopment sites. As part of the planning process, a market analysis was performed to determine the highest and best land use. As a result, eight (8) of the priority redevelopment sites are designed to accommodate flexible industrial buildings averaging in size from 20,000 to 30,000 square feet.

Two (2) sites are to be redeveloped as open/recreational space. The first, East Pond, is a naturally occurring surface water body largely concealed by industrial development along Maple Street. The pond is bounded to the north, west, and east by active and inactive railroad tracks that make access to

the pond challenging. The Plan has identified ways to make connections to the pond through newly created roadways and paths and has called for redevelopment of the area into a park for local residents and businesses. Another park, the second priority redevelopment site, will be constructed in the heart of the industrial district at Cambridge Street and will overlook the River Meadow Brook.

Uncertainty in the environmental condition of these sites will likely discourage interested developers and property owners from considering redevelopment in Ayer's City Industrial Park. The City intends to utilize grant funds for the completion of up to ten (10) Phase I Assessments, four (4) Phase II Assessments, and one (1) cleanup planning process to assist with eliminating that uncertainty and provide a path to cleanup and redevelopment.

**ii) Describe the Project Management Approach**

The City of Lowell has a strong history of successful project management with EPA Brownfields funding and other Federal and State funding, which will be highlighted in the upcoming, EPA-sponsored **Investing in Manufacturing Communities Partnership Roundtable event in Lowell in February 2014**. The event is one of five (5) EPA-sponsored nationwide roundtable conversations to highlight existing governmental partnerships and forge new links to redevelop brownfields to reestablish manufacturing. All work performed on contaminated sites in the Commonwealth of Massachusetts falls under the regulations detailed in the Massachusetts Contingency Plan (MCP). Under the MCP, all work to investigate and remediate contaminated sites must fall under the supervision of a Licensed Site Professional who serves as the Qualified Environmental Professional (QEP). The City of Lowell will contract with an appropriate and experienced QEP contractor for all work performed under this grant.

Upon award of EPA Brownfields Assessment Grant funding, the City will seek to procure the services of a QEP to perform and oversee assessment and cleanup planning. The entire EPA Grant award will be divided into contracts for one or more QEPs. Contracts will not be awarded for individual assessments or properties. For contracted services, it is required that the City follows procurement regulations as detailed under the Uniform Procurement Act, M.G.L. Chapter 30B. From notice of funding availability to the award of contract, this process typically takes two (2) months to complete.

The City of Lowell has, on staff, one full time Environmental Officer to oversee work and contracts related to EPA Brownfields funding. The Environmental Officer will be responsible for the oversight of QEP services, the advancement of projects, communication with property owners, and administrative reporting to the EPA. The City of Lowell Environmental Officer will work closely with the EPA Project Officer, as has occurred in the past, to ensure the timely completion of projects as detailed in this grant application.

Following award of contracts, the City will begin site assessments on property currently in City ownership. During assessment of these sites, the City will seek to gain access from property owners for all other priority redevelopment sites. It is anticipated that all 10 ASTM Phase I Assessments can be completed within the first year of the grant. Phase II Assessments will be performed in the second year of the grant. Cleanup planning for one priority redevelopment area will be performed in the third year of the grant.

**iii) Site Selection**

Sites selected for assessment under this grant proposal have been determined through the EPA Brownfields Area-Wide Planning Pilot process for Ayer's City Industrial Park, which was the subject of significant public engagement. Ten (10) priority redevelopment sites have been identified and they are comprised of one or more parcels of land. These sites were selected with the input of the Community

Advisory Committee assembled for the area-wide planning process, the property and business owners in Ayer's City Industrial Park, and the public at three public meetings.

The City of Lowell has been successful in working with private property owners in the past for the good of the community, the owner, and the City. Assessments will initially be focused on sites that are already in City ownership while gaining access for sites that are privately held. When the city does access privately held properties it enters into a mutually agreed upon Site Access Agreement, which allows the City and its agents access to the property at the liability and responsibility of the City. The City does not enter any private property without such an agreement in place.

Phase II Assessments and cleanup planning will be reserved for those priority redevelopment sites that are anticipated to be redeveloped in the near-term. A meeting or series of meetings will be held with neighborhood groups, property owners, business owners, and developers to discuss site selection for Phase II Assessments and cleanup planning.

**b. Task Description and Budget Table**

**i) Task Description**

**Task 1 – Cooperative Agreement Oversight** - The City will provide the cooperative agreement oversight for the project in the form of a contribution of other services (programmatic activities not subject to the administrative cost prohibition) including costs for completing performance and financial monitoring requirements. The City will dedicate staff time of a full-time Environmental Officer to complete this task, which is estimated to be approximately \$20,000 in staff time based upon salary levels of the referenced position. This task will also include the costs for attendance to annual Brownfields Conferences during the performance period of the grant. Travel will include up to two staff members per conference at a cost of \$2500 per conference. **Outputs** include updates to the ACRES Database, submission of quarterly reports (including MBE/WBE Utilization Reports, grant completion reporting and any additional EPA requirements), attendance at EPA Brownfields Conferences, communication with the EPA Project Officer and assessment oversight.

**Task 2 – Community Involvement** - Costs under this task include presentation preparation, advertising, materials, translation services, and the QEP contractor's time to attend meetings as necessary. This cost for this task is estimated at approximately \$10,000 as contracted services.

**Task 3 – Phase I** – Phase I ESAs will be conducted in accordance with EPA's **All Appropriate Inquiry requirements and ASTM E1527-13 requirements**, including the ASTM E2600-10 for Evaluation of Vapor Encroachment. Work under this task will be performed by a Massachusetts LSP contracted by the City. For the purposes of this application, it is assumed that up to ten (10) Phase I Site Assessments will be performed at an average cost of \$3500 for a total cost of \$35,000. These costs are based on the City's previous contracts with LSPs for similar work. **Outputs** include 1 EPA-approved Generic QAPP and 10 Phase I Assessments.

**Task 4 – Phase II** – Phase II ESAs will be conducted in accordance with an EPA Region I approved QAPP and MassDEP regulations. The City of Lowell will complete up to four (4) Phase II assessments at an average cost of \$28,750. This cost is based on previous costs for similar sites in the City. The total number of Phase II assessments is subject to change based on sites selected, however; the total amount spent on Phase II assessments will be \$115,000. **Outputs** include up to 4 Site-Specific QAPPs or Generic QAPP Addenda, and 4 Phase II Assessments.

**Task 5 – Cleanup Planning** –The City will complete, at a minimum, one (1) cleanup planning effort which is estimated at a cost of \$15,000. Development of the Analysis of Brownfields Cleanup Alternatives (ABCA) will follow EPA's Office of Solid Waste and Emergency Response *Principles*

*for Greener Cleanups.* Outputs may include Remedial Alternatives Analysis, Cost Estimates, Remedial Design Investigation & Report, Public Meeting and 30 day Public Notice Period.

ii) Budget Table

Budget Categories	Project Tasks for Assessment					
(programmatic costs only)	Task 1 (Cooperative Agreement Oversight)	Task 2 (Community Involvement)	Task 3 (Phase I)	Task 4 (Phase II)	Task 5 (Cleanup Planning)	Total
Personnel	\$20,000					\$20,000
Fringe Benefits						
Travel	\$5,000					\$5,000
Equipment						
Supplies						
Contractual		\$10,000	\$35,000	\$115,000	\$15,000	\$175,000
<b>Total</b>	<b>\$25,000</b>	<b>\$10,000</b>	<b>\$35,000</b>	<b>\$115,000</b>	<b>\$15,000</b>	<b>\$200,000</b>

c. Ability to Leverage

The City has a strong history of utilizing EPA grant funding to leverage additional public and private funding to support Brownfields redevelopment. More than **\$100 million** of estimated investment has been leveraged through EPA funded activities in the Lowell Brownfields Program. This includes leveraging **\$9 million** in funds from the Department of Transportation for the Riverwalk Project that connects Lowell's National Historical Park by walkways to UMass Lowell and two new sports facilities. Lowell's Brownfields Program has also attracted developers who have invested more than **\$10 million** in a 400,000 square foot project at the Wannalancit Mills, and **\$36 million** in 700,000 square feet at the Boott Mills. Additional recent examples of leveraged funding include the following:

- In the Acre Plan area, Habitat for Humanity (Habitat) recently developed four (4) units of affordable housing on Rock Street. EPA Brownfields Assessment Grant dollars allowed the City to investigate an historic release on the property which resulted in a clean determination for the site. Habitat's committed investment in each housing unit on Rock Street is approximately **\$171,600** per unit. The approximately \$22,500 Brownfields investment by the City of Lowell created a leveraged investment of **\$686,400**.
- Trinity Financial currently partners with the City of Lowell as the Master Developer of the Hamilton Canal District. This public-private partnership will ultimately leverage up to **\$800 million** in costs to develop up to 725 housing units and upwards of 500,000 square feet of new commercial, office and retail space. The existing and pending investments are built on the environmental assessment and remediation conducted by the City of Lowell utilizing the EPA Brownfields grant programs.

To date, the City has leveraged **\$800,000** for this project through a Massachusetts Transportation Bond Bill (see Appendix C) for the realignment of Tanner Street at the southern end of Ayer's City Industrial Park. This realignment is a critical project for providing access to the industrial park. Realignment of Tanner Street will create new viable parcels for redevelopment that will require assessment.

If necessary, additional funds for this project will be leveraged through the Community Development Block Grant (CDBG) program (see attached award letter in Appendix C). The City will continue to seek any and all funding opportunities for this project.

### **3. COMMUNITY ENGAGEMENT AND PARTNERSHIPS**

#### **a. Plan for Involving Targeted Community & Other Stakeholders; and Communicating Project Progress**

Lowell is fully committed to engaging the community in the execution of this grant award. Community outreach and stakeholder involvement is critical to the success of this grant. Outreach for the Brownfields Area-Wide Planning Pilot Grant work resulted in the creation of a Community Advisory Committee and brought together the business and property owners of Ayer's City Industrial Park. The City also held a series of three public meetings for this planning process. It is anticipated that the City will continue to hold meetings with these groups, as well as host public meetings to ensure that all interested parties are aware of Brownfields plans and progress. The City also recognizes that these meetings will be an opportunity to educate residents and stakeholders about the process of prioritizing and assessing potential Brownfields sites. The Department of Planning and Development employs a full-time Neighborhood Planner to communicate with neighborhood groups about upcoming Brownfields work.

The City of Lowell will use a combination of the following approaches for community engagement:

- **Flyers** to announce public meetings and community important updates
- **Public and Stakeholder Meetings** in a meeting location convenient to the affected residents, businesses and property owners
- **Local media** (Lowell Sun newspaper) will provide notice of upcoming meetings
- **Social Media/City Website** will be kept up-to-date with the latest information and announce any upcoming meetings
- **Document Repository** will contain all assessment reports and be accessible to the public upon request

Due to Lowell's diverse population, translation services are available in languages including Khmer, Spanish and Portuguese at public meetings upon request. All materials on the City website, flyers, and answers to any questions at meetings can also be translated upon request.

#### **b. Partnerships with Government Agencies**

##### **i) Local/State/Tribal Environmental and Health Agencies**

Since the 1990s, the City has maintained a long-standing, working relationship with local, State and Federal agencies for the redevelopment of Brownfields sites. At the State level, Lowell falls under the purview of the Northeast Regional Office of the Massachusetts Department of Environmental Protection (MassDEP). The City maintains a good working relationship with Kerry Bowie, the MassDEP Brownfields Coordinator, and Joanne Fagan, the Northeast Regional contact for Brownfields. MassDEP will be notified of any reportable concentrations of contaminants found and receive all reports produced as part of assessment under this grant, as required by the Massachusetts Contingency Plan. MassDEP maintains a seat on the Community Advisory Committee for the Ayer's City Industrial Park and has provided advice on the cleanup and redevelopment of sites in that role.

Lowell Health Department's mission is to preserve and maintain the City's public health standards in order to promote and protect the health and wellness of the people of Lowell. The Health Department will be contacted for assistance with work under this grant when human health issues related to the assessment and cleanup of sites must be communicated to the public.

ii) Other Relevant Federal, State, and Local Government Agencies

EPA Region 1 has been an integral partner in the development of and the ongoing work of the Lowell Brownfields Program. As part of this grant, the City will work closely with the EPA Project Officer to ensure the timely and successful completion of projects. The Project Officer will review and comment on all reports prior to finalization and submission to the MassDEP.

Northern Middlesex Council of Governments (NMCOG), which serves as the regional planning agency, has been a deeply engaged partner for the development of the Ayer's City Industrial Park Plan. NMCOG maintains a seat on the Community Advisory Committee and has assisted with planning for the upcoming IMCP Workshop in February 2014. NMCOG will work with the City on the development of a District Improvement Financing (DIF) Program for Ayer's City Industrial Park. DIF enables municipalities to fund public works, infrastructure and development projects by allocating future, incremental tax revenues collected from a predefined district to pay project costs.

c. Partnerships with Community Organizations

The City of Lowell has worked toward creating good working relationships with a number of Community-Based Organizations. See Appendix D for letters of support. Partnerships in this project include:

Community Based Organization	Organization Description, Role, and Commitments
Riverside Community Council/Sacred Heart Neighborhood Improvement Group (RCC/SHNIG)	Group committed to the improvement of the Sacred Heart Neighborhood
	Participated in the Community Advisory Committee for the development of the Ayer's City Industrial Park Plan and has been a long-time supporter of the Lowell Brownfields Program
	Will participate in meetings and relay communication to the Sacred Heart Neighborhood at regularly scheduled meetings
Coalition for a Better Acre	A membership-based community development organization dedicated to resident empowerment and sustainable community revitalization
	CBA promotes develops resident leaders and provides affordable housing and economic opportunities
	Will participate in ongoing engagement and communication regarding the development of an industrial incubator space in ACIP
Lowell Community Health Center	A non-profit community-based health care agency located in downtown Lowell
	Will provide health data/statistics and communicate with residents regarding any health concerns related to Brownfields
The Lowell Plan	A private non-profit economic development organization dedicated to discussing Lowell's economic, educational, and cultural development
	Will promote and advocate for the redevelopment of Ayer's City Industrial Park through dialog and marketing

4. PROJECT BENEFITS

a. Health and/or Welfare and Environment

This Brownfields Assessment Grant will help to foster relationships that will result in community development, job creation, business growth, improved public safety, new open/recreational space, and the elimination of blighted, abandoned, and contaminated properties. The City of Lowell recognizes that sensitive populations must be protected during assessment and will incorporate all methods of safeguarding the public when undertaking an investigation. Municipal staff, neighborhood groups, and those residents immediately adjacent to a Brownfields site are notified prior to the start of work either

through public meeting or direct contact (phone, mail, e-mail) methods. Appropriate control measures are taken in the field by the LSP performing the work and may include the use of direct-push technology and dust/odor control, where necessary.

Public Health Benefits	A reduction in the number of blighted/deteriorated/abandoned structures that pose clear health and safety risks to the public.
	Reduced childhood asthma and incidence of lead poisoning in the project area.
	Overall reduction in exposure pathways for contamination (i.e. physical, vapor intrusion).
	Decreased risk of contact with impaired waters.
Welfare Benefits	Improved public safety and crime reduction.
	Improved quality of life resulting from the removal of blighted structures.
	Increased number of local jobs.
	Pedestrian/Streetscape Improvements.
Environmental Benefits	Numerous possible contaminants have been identified including heavy metals, PCBs, PAHs, VOCs, SVOCs and petroleum. Assessment and cleanup of properties will reduce the amount of contaminated runoff to the River Meadow Brook and East Pond resulting in improved water quality.
	Assessment and remediation will result in a reduction of contaminated runoff to neighboring properties.

**b. Environmental Benefits from Infrastructure Reuse/Sustainable Reuse**

**i) Describe How your Community is Fostering and Implementing Sustainable Redevelopment**

Across the City there has been increased momentum toward utilizing sustainable redevelopment concepts amid climate change concerns (Mother's Day Flood 2006) to guide future development. Sustainable redevelopment includes green building, energy efficiency, historic preservation, innovative storm water controls, low-impact development, and green remediation. From 2011-2013, the City of Lowell carried out the process of updating its Master Plan and the result was *Sustainable Lowell 2025*, which provides a shared vision for the on-going development and revitalization of the City with particular emphasis on economic, social, and environmental sustainability. *Sustainable Lowell 2025* serves as the City's Comprehensive Master and Sustainability Plan and was adopted by the City Council in March 2013.

The Ayer's City Industrial Park Plan incorporates intentional strategies for sustainability concepts through plans for improved storm water management and improved connections to public transit, in particular, the Gallagher Terminal which is a multi-modal transportation center with commuter rail and bus service. Existing infrastructure including water, sewer, natural gas, and electrical service have been shown to be sufficient for the proposed development in the Plan.

The City will encourage redevelopment plans that incorporate green remediation concepts through the use of EPA OSWER's *Principles for Greener Cleanups*, LEED principles, and the reuse and rehabilitation of historic structures. The City has had repeated success in the cleanup and redevelopment of its historic mill sites. Several boards, including the Green Building Commission and the Lowell Historic Board, oversee many of the redevelopment projects in the City and encourage sustainability as part of all redevelopment plans.

ii) **Provide One Example of Efforts You Have Taken to Integrate Equitable Development or Livability Principles**

The Ayer's City Industrial Park Plan incorporates the following livability principles:

- **Provide More Transportation Choices**
- **Value Communities and Neighborhoods**
- **Enhance Economic Competitiveness**

In the Plan, two projects related to the improvement of transportation choices for residents and current and future employees are described. Streetscape improvements to Ayer's City Industrial Park will result in the addition of sidewalks. No sidewalks currently exist in this area. The Plan also calls for the addition of a greenway along the River Meadow Brook. This greenway is intended to be part of a larger planned greenway that will connect the Bruce Freeman Trail (a regional multi-use trail) to the Concord River Greenway. Both of these projects will allow for better pedestrian and bicycle access to and from the Gallagher Terminal multi-modal transportation center and the downtown area.

c. **Economic Benefits or Non-Economic Benefits (long-term benefits)**

i) **Discuss Economic Benefits or Other Non-Economic Benefits**

As previously detailed in this grant proposal, Lowell's unemployment rate is approximately one and a half percentage points higher than the Commonwealth of Massachusetts. Plans developed for this area are aimed towards reestablishing the commercial and industrial tax base while also creating new job opportunities. It is expected that redevelopment of Brownfields in this location will have a positive impact on job growth for residents and additional revenue for the City to provide critical social programs and benefits. In addition, in adjacent residential neighborhoods, property owners will see increased property values. Sites targeted for redevelopment as part of the Ayer's City Industrial Park Plan are anticipated to result in approximately 300,000 square feet of new development and approximately \$1.38 million in increased annual tax revenue.

ii) **Describe Efforts to Promote Local Hiring and Procurement or Link Members of the Community to Potential Employment Opportunities in Brownfields**

There are currently no EPA job training programs in Lowell or the immediate surrounding area. Should a job training program related to Brownfields be created in the area, the City will make efforts to connect that program with the Lowell Brownfields Program.

In the past, Lowell has supported the University of Massachusetts – Lowell (UML) and the Coalition for a Better Acre Environmental JOBS program, a program funded through an EPA Job Training Grant which had a tremendous amount of success in placing underprivileged residents in productive jobs working in the environmental field. Lowell promotes its intern program for students at UML and has employed an intern in the Brownfields Program in the past year.

5. **PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE**

a. **Programmatic Capability**

The Lowell Brownfields Program is coordinated by a full-time Environmental Officer, Sarah Brown who has been a member of the staff for approximately five (5) years, has a degree in environmental engineering and has over 5 years of experience in environmental consulting. Financial management of the grant will be conducted by the Environmental Officer with the assistance of a highly qualified finance team in the Department of Planning and Development. In the event of employee turnover, the Department of Planning and Development is fully equipped to continue the project management of any pending projects while qualified replacements are found.



**b. Audit Findings**

The City has no adverse audit findings from an OMB Circular A-133 audit conducted by a federal, state, or local government, nor is the Applicant aware of any instances in which it might have been required to comply with special "high risk" terms and conditions implementing an OMB Circular A-102.

**c. Past Performance and Accomplishments**

The City has a long history of successful grant management, specifically, with EPA grant funding. Lowell has had the opportunity to operate numerous EPA funded grant activities throughout the years, including Showcase Community Funding (\$600,000), staffing an EPA employee through the Intergovernmental Personnel Act (IPA) and a Superfund Redevelopment Initiative grant (\$100,000). In recent years, the City has been awarded \$1,125,000 in grant funds, including:

Grant Name	Grant Period	Award	Funds Remaining
FY 2008 Brownfields Cleanup Grant (86 Fay Street)	10/01/2008-12/31/2012	\$150,000, \$30,000 match	\$0
FY 2009 Brownfields Assessment Grant (Hazardous Substances & Petroleum)	8/03/2009-08/02/2014	\$200,000 Hazardous, \$200,000 Petroleum	\$0 Hazardous, \$183,595.25 Petroleum
FY 2009 Brownfields Cleanup Grant (193.1 & 293.1 Jackson Street)	10/01/2010-10/01/2014	\$400,000	\$324,533.44
FY 2010 Brownfields Area-Wide Planning Pilot (Ayer's City Industrial Park)	11/01/2010-12/31/2012	\$175,000	\$0

While the City is currently managing several grants, it is important to note that the City does not have any hazardous substances assessment grant funding. This is a significant gap in the Brownfields Program when considering that a majority of contaminated sites identified in the Ayer's City Industrial Park Plan are contaminated by hazardous substances.

Throughout the life of all grants, the City has remained in compliance with all grant requirements, including work plans, schedules for the expenditure of these funds, terms and conditions, and all required reporting (quarterly reporting, ACRES, etc). Grant funds have allowed the City to make significant progress towards achieving expected results under its grants, as noted above.

The City has successfully utilized EPA Brownfields funding on a number of past projects and include the following:

- Development of the Paul Tsongas Arena, built on a Brownfields Site that required the use of EPA Assessment funding;
- Development of LeLacheur Stadium, home to the Boston Red Sox affiliated Lowell Spinners. The park has broken professional baseball attendance records, and has sold out each game for the last five years. The site, a former junkyard and ash dump, required the use of EPA Assessment funding;
- Stocklosa Middle School – This new middle school serves an ever-growing population in the Acre neighborhood of school age children, and has cleaned up a contaminated property in the process. Required the use of EPA Site Assessment funding;
- The JAM Parking Garage – This 900-space public parking garage was completed in February 2008. EPA clean-up funds were used to remove underground storage tanks from the site along with related contaminated soils.
- Ayer's City Industrial Park Urban Revitalization and Development Plan

# Appendix A

## Threshold Criteria

## The City of Lowell Assessment Grant Proposal Threshold Criteria

### **1. Applicant Eligibility**

The City of Lowell, Department of Planning and Development (DPD), is an eligible applicant as a unit of local government.

### **2. Letter from the State or Tribal Environmental Authority**

The attached letter from the Massachusetts Department of Environmental Protection (MassDEP) acknowledges that the City of Lowell is planning on conducting assessment activities and is planning to apply for federal funds.

### **3. Community Involvement**

The City of Lowell has a longstanding history of involving the community in its Brownfields Assessment projects. For the focus of this grant application, the Ayer's City Industrial Park, the City has already engaged a Community Advisory Committee (CAC), a business and property owners group, and the public through a Brownfields Area-Wide Planning effort. The City held a series of three public meetings, one business/property owners meeting, and three CAC meetings during the planning process. As sites in the Ayer's City Industrial Park are selected for assessment and cleanup, these groups will be notified and meetings will be held as necessary. The City employs a full-time Neighborhood Planner whose responsibility it is to communicate with neighborhood groups at their regularly scheduled meetings about upcoming City work.

The City of Lowell will also use a combination of the following approaches for community engagement:

- Flyers to announce public meetings and community important updates
- Public and Stakeholder Meetings in a meeting location convenient to the affected residents, businesses and property owners
- Local media (Lowell Sun newspaper) will provide notice of upcoming meetings
- Social Media/City Website will be kept up-to-date with the latest information and announce any upcoming meetings
- Document Repository will contain all assessment reports and be accessible to the public upon request

### **4. Site Eligibility and Property Ownership Eligibility**

Not applicable. The City of Lowell is submitting a community-wide assessment grant proposal for Hazardous Substances.

## **Appendix B**

### **Letter from State or Tribal Environmental Authority**



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEWA - PATRICK  
Governor

RICHARD A. SULLIVAN JR.  
Secretary

KENNETH L. DYWELL  
Commissioner

January 15, 2014

Environmental Management Support, Inc.  
Attn: Mr. Don West  
8601 Georgia Avenue, Suite 500  
Silver Spring, MD 20910

**RE: STATE LETTER OF ACKNOWLEDGMENT**

*City of Lowell, Application for EPA Assessment Grant Funding*

Dear Mr. West:

I am writing to support the proposal submitted by the City of Lowell under the Fiscal Year 2014 U.S. Department of Environmental Protection Agency (EPA) Brownfield Assessment Grant Program. Funding from EPA will allow the City of Lowell to continue targeted redevelopment efforts citywide, including the Hamilton Canal District, the ACRE, and the Tanner Street district, and significantly support Lowell's revitalization.

In Massachusetts, state and federal agencies have developed strong partnerships and work together to ensure that parties undertaking Brownfield projects have access to available incentives. The Massachusetts Department of Environmental Protection (MassDEP), through our regional offices, provides technical support to Brownfield project proponents when regulatory issues arise. MassDEP has worked closely with the City of Lowell on a variety of Brownfield projects. If this proposal is selected, MassDEP will work with our state and federal partners to provide the support the City of Lowell needs to help make this project a success.

We greatly appreciate EPA's continued support of Brownfield efforts here in Massachusetts.

Sincerely,

Kerry Bowie  
Brownfields Coordinator, MassDEP Commissioner's Office

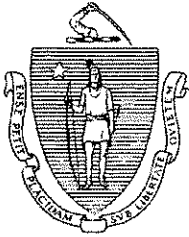
cc: Bernard Lynch, City Manager, City of Lowell  
Sarah Brown, Environmental Officer, Department of Planning and Development, City of Lowell  
Joanne Fagan, Brownfields Coordinator, MassDEP Northeast Regional Office  
Angela Gallagher, Assistant Brownfields Coordinator, MassDEP Southeast Regional Office

## **Appendix C**

### **Documentation of Firm Leveraged Resources**

# HOUSE . . . . . No. 4193

House bill No. 4179, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. June 20, 2012.



## The Commonwealth of Massachusetts

In the Year Two Thousand Twelve.

### AN ACT FINANCING IMPROVEMENTS TO THE COMMONWEALTH'S TRANSPORTATION SYSTEM

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to finance forthwith improvements to the commonwealth's transportation system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 SECTION 1. To provide for a program of transportation development and improvements,  
2 the sums set forth in sections 2 to 2D, inclusive, for the several purposes and subject to  
3 the conditions specified in this act, are hereby made available, subject to the laws  
4 regulating the disbursement of public funds. The sums appropriated in this act shall be in  
5 addition to any amounts previously appropriated and made available for these purposes.  
6 SECTION 2.

7 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

9                   6121-1215 For projects on the interstate federal aid highway system;  
10                   provided, that funds may be expended for the costs of these  
11                   projects including, but not limited to, the nonparticipating portions  
12                   of these projects and the costs of engineering and other services  
13                   essential to these projects, rendered by Massachusetts Department  
14                   of Transportation employees or by consultants; provided, further,  
15                   that amounts expended for department employees may include the  
16                   salary and salary-related expenses of these employees to the extent  
17                   that they work on or in support of these projects; provided, further,  
18                   that notwithstanding this act or any other general or special law to  
19                   the contrary, the department shall not enter into any obligations for  
20                   projects which are eligible to receive federal funds under this act  
21                   unless state matching funds exist which have been specifically  
22                   authorized and are sufficient to fully fund the corresponding state  
23                   portion of the federal commitment to fund these obligations; and  
24                   provided, further, that the department shall only enter into  
25                   obligations for projects under this act based upon a prior or  
26                   anticipated future commitment of federal funds and the availability  
27                   of corresponding state funding authorized and appropriated for this  
28                   use by the general court for the class and category of project for  
29                   which this obligation applies.....\$225,000,000

30                   6121-1216 For federal aid projects on the non-interstate federal highway  
31                   system; provided, that funds may be expended for the costs of  
32                   these projects including, but not limited to, the nonparticipating  
33                   portions of these projects and the costs of engineering and other  
34                   services essential to these projects rendered by Massachusetts  
35                   Department of Transportation employees or by consultants;  
36                   provided, further, that amounts expended for department  
37                   employees may include the salary and salary-related expenses of  
38                   these employees to the extent that they work on or in support of  
39                   these projects; provided, further, that notwithstanding this act or  
40                   any other general or special law to the contrary, the department  
41                   shall not enter into any obligations for projects which are eligible  
42                   to receive federal funds under this act unless state matching funds  
43                   exist which have been specifically authorized and are sufficient to  
44                   fully fund the corresponding state portion of the federal  
45                   commitment to fund these obligations; and provided, further, that  
46                   the department shall only enter into obligations for projects under



47 this act based upon a prior or anticipated future commitment of  
48 federal funds and the availability of corresponding state funding  
49 authorized and appropriated for this use by the general court for  
50 the class and category of project for which this obligation applies;  
51 that not less than \$450,000 shall be expended for the remaining  
52 design plan for the Summer St.-Improvement Project located in the  
53 cities of Fitchburg, Leominster and  
54 Lunenburg.....\$525,000,000

55 SECTION 2A

56 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

57 Highway Division

58 6121-1217 For the design, construction and repair of, or improvements to,  
59 non-federally-aided roadway and bridge projects and for the  
60 nonparticipating portion of federally-aided projects; provided, that  
61 the costs of professional personnel directly and exclusively  
62 involved in the construction, planning, engineering and design of  
63 the projects funded herein may be charged to this item, and any  
64 other associated costs; provided, further, that those costs shall not  
65 be classified as administrative costs; and provided, further, that the  
66 amounts specified in this item or for a particular project may be  
67 adjusted in order to facilitate projects relating to the design,  
68 construction, repair or improvement to nonfederally-aided roadway  
69 projects; provided further, that \$200,000 shall be expended for the  
70 design of the Bruce Freeman Rail Trail Construction (Phase 2B) in  
71 the towns of Acton and Concord; provided further; that \$250,000  
72 shall be expended for a rail trail in the towns of Needham, Dover  
73 and Medfield; provided further, that \$1,500,000 shall be expended  
74 for the completion of work at the Blossom St. Extension and for a  
75 one time purchase of a commuter water shuttle for the operation of  
76 the Lynn-Boston commuter ferry line in the city of Lynn; provided  
77 further, that \$250,000 shall be expended for the study and design  
78 of a new bridge spanning the Merrimack River in the town of  
79 Tyngsborough; provided further, that \$500,000 shall be expended  
80 for the design of a train with rail in the Grand Junction corridor so  
81 that future improvements of rail tracks can be coordinated with the  
82 design in the city of Cambridge; provided further, that \$1,000,000  
83 shall be expended for the design and construction of the Inlet

Bridge at North Point in the city of Cambridge; provided further, that \$1,000,000 shall be expended for the reconstruction and widening of route 114 between the city of Lawrence and the town of North Andover; provided further, that \$800,000 shall be expended for the reconstruction and widening of route 110 in the city of Methuen; provided further, that \$300,000 be expended for the construction of a new parking deck in the downtown core, known as the Gaslight District, in the city of Westfield; provided further, that \$250,000 shall be expended for improvement designs to the intersection at Williams Street and the Owen Gordon River Parkway in the city of Taunton; provided further, that \$500,000 shall be expended for the Access to State-owned Land program, pursuant to subsection (n) of section 3 of chapter 811 of the Acts of 1985; provided further, that \$250,000 shall be expended for the resurfacing of Clark Street, from Park Street to the Templeton town line, in the city of Gardner; provided further, that \$1,000,000 shall be expended for the design of the Rapid Transit Handicap Accessibility project for the Auburndale commuter rail in the city of Newton; provided further, that \$100,000 shall be expended for a study on the feasibility of constructing sidewalks on Bearses Way intersecting with Route 28 and Walton Avenue intersecting with Route 28 in the town of Hyannis; provided further, that that \$250,000 be expended for planning, engineering and construction of a traffic signal at the intersection of Middlesex Avenue and Main Street in the town of Wilmington; provided further, that not less than \$250,000 shall be expended for overpass restoration and improvements on Route 149 where it crosses over Route 6 in the town of Barnstable; provided further, that not less than \$1,035,000 shall be expended for the design and reconstruction of the intersection of Sewall, Center, State and East Streets in the Town of Ludlow; provided further, that \$500,000 shall be expended for safety improvements and signalization at Elm street at Westfield street in the city of West Springfield; provided further that not less than \$300,000 be expended for design and construction of Rt. 140 between Mile Hill Road and Gatehouse Road in Westminster; provided, that \$250,000 shall be expended for the construction of sidewalks in the South street bridge area and along the section of Manley street from West Center street to West street, all in the town of West Bridgewater; provided further, that no less than \$250,000 shall be expended for private ways, curbing, and

sidewalk improvements for the city of Springfield; provided further, that not less than \$500,000.00 shall be expended for the design and construction of the Padanaram Bridge Rehabilitation Project in Dartmouth; provided further the the Alden Road from the Bridge Street Intersection to Main Street (to the Acushnet Town Line) be reconstructed with upgrades of ADA accessibility ramps/sidewalks; and provided further, that not less than \$3,000,000 shall be expended for the construction of a bridge over the MBTA railroad right of way on Main Street at the intersection of Boardman Street in Norfolk on the condition that the town of Norfolk agrees to pay to the general fund of the Commonwealth the sum of \$2,000,000, in equal payments each year for 20 years commencing in fiscal year 2018, to reimburse the cost of the bridge construction; provided further that not less than \$300,000 shall be expended for the design and reconstruction of the intersection at Pomeroy Meadow Road, Loudville Road, Glendale Street and West Street in the City of Easthampton; provided further, that not less than \$400,000 shall be expended for the design, reconstruction and improvement of Route 47, Bay Road, Knightly Road, Bristol Lane, North Maple Street and Rocky Hill Road in the Town of Hadley; provided further, that not less than \$600,000 shall be expended for the design and reconstruction and improvement of the Maple Street intersection and the Falls area in the Town of South Hadley; provided further, that \$750,000 shall be expended for the planning, design and construction of the lower, double barrel culverts of the Quequechan River under the MBTA railroad right of way at Battleship Cove in the City of Fall River; provided further, that \$350,000 shall be expended for improved traffic signalization at the entrance to Caritas Holy Family Hospital on East Street in the City of Methuen; provided further, that not more than \$1,900,000 shall be expended for the repair and reconstruction of the Oyster Harbor Bridge that carries Bridge Street over the channel connecting West Bay and North Bay in the Village of Osterville in the Town of Barnstable; provided further, that not less than \$200,000 shall be expended for a project to increase access to the Mansfield Train Station commuter parking lots in the town of Mansfield; provided further, that \$100,000 shall be expended for the purpose of completion of construction of the Sea street bridge between Marshfield and Scituate; provided further, that not less than \$200,000 shall be expended for the

design and reconstruction of the Vernon Street Roadway  
Improvements in Wakefield; provided further, that not less than  
\$300,000 shall be expended for the Highlands Infrastructure  
Improvements in Melrose; provided further, that \$4,575,000 shall  
be expended for the Winthrop street corridor project in the town of  
Winthrop; provided further, that \$475,000 shall be expended for  
the Walk Winthrop initiative in the town of Winthrop; provided,  
further, that not less than \$150,000 shall be expended for design,  
planning, and improvements of High street in the town of  
Bridgewater; provided further, that not less than \$150,000 shall be  
expended for the rehabilitation of the South street east bridge in the  
town of Raynham; provided further, that not less than \$250,000  
shall be expended for design of comprehensive improvements to  
the John Fitch highway in the city of Fitchburg, per study by the  
Urban Land Institute and ongoing Master Plan; provided further,  
that not less than \$5,100,000 shall be expended for the purposes of  
reconstruction of roads, sidewalks, drainage, and paving in the  
town of Plymouth; provided further, that not less than \$250,000  
shall be expended for the erection of a vehicular traffic-control  
signal on Route 37 in the town of Braintree; provided further, that  
\$100,000 shall be expended for the study, design, planning and  
construction of intersection improvements at the intersection of  
route 27 and Concord street in the town of Maynard; provided, that  
not less than \$345,000 shall be expended for the design of the Cox  
Street bridge replacement over the Assabet River in the tow of  
Hudson; provided further, that not less than 150,000 shall be  
expended for traffic flow improvements on Washington Street in  
the town of Braintree; provided further, that not less than \$100,000  
shall be expended for improvements to the Disabled American  
Veterans Memorial Highway in the town of Braintree; provided  
further, that not less than \$3,000,000 shall be expended to improve  
the John F. Kennedy memorial highway south of Elm street in  
New Bedford and intersecting streets, which shall include  
improvements to car and pedestrian access across the highway to  
the waterfront; provided further, that not less than \$2,500,000 shall  
be expended to improve access to the south terminal in New  
Bedford; provided further that \$150,000 shall be expended for  
planning, design and construction related to the Hopping Brook  
cross culvert beneath Route 16 in the Town of Holliston; provided  
further that not less than \$100,000 shall be expended for planning.

design and construction to provide limited public access from  
Massachusetts Turnpike service plaza road in Hopkinton to the  
Massachusetts Turnpike via the Westborough Service Plaza;  
provided further that not less than \$1,000,000 shall be expended  
for improvements to the Massachusetts Central Rail Trail along the  
corridor extending through the Towns of Wayland and Weston;  
provided that not less than \$200,000 shall be expended for  
sidewalk repairs along Route 3A Northbound in East Chelmsford,  
near the Lowell line, including installation of a raised curb and  
sidewalk repaving; provided further that no less than \$5,000 shall  
be expended for the Department of Transportation to erect three  
signs providing directions to the Iwo Jima World War II Memorial  
located at Bicentennial Park in Fall River; provided further that no  
less than \$300,000 shall be expended for the Town of Berkley for  
permitting, engineering, total replacement; and for the prevention  
of future deterioration and total collapse due to chronic flooding of  
the Bayview road and culvert at Bayview Road and Shore Road, in  
the Town of Berkley; \$800,000 for Design, Construction, Right-of-  
Way Assembly, and related project costs for transportation  
improvements to support the Tanner Street Redevelopment Plan in  
the City of Lowell; provided further, that not less than \$600,000  
shall be expended for replacement of culverts and the repair of  
Sword Street in Town of Auburn; provided further, that \$500,000  
shall be expended for the upgrade of traffic signals at the  
intersection of route 28/Main street and North street in the town of  
Stoneham; provided, further, that \$1,750,000 shall be expended for  
the design and reconstruction of route 99 in the city of Malden;  
provided further, that \$150,000 shall be expended for the upgrade  
of traffic signals at the intersection of Main street, Skillings road  
and Lake street in the town of Winchester; provided further, that  
\$100,000 shall be expended for the upgrade of traffic signals at the  
intersection of Marble street and Park street, in the town of  
Stoneham; provided further, that \$100,000 shall be expended for  
the planning and installation of a traffic signal at the intersection of  
state highway route 16 and Hartford Avenue in the town of  
Mendon; provided further, that no more than \$300,000 shall be  
expended to reconstruct North Avenue in Mendon and provide  
signalization at the intersection of North Avenue and Hastings;  
provided further, that no more than \$100,000 shall be expended for  
the design, permitting, construction and right-of-way acquisition

for Phase I of the Veterans Memorial Drive/Alternate Route project in Milford; provided further, that not less than \$2,100,000 shall be expended for the planning, design, construction, and any other associated costs for transportation improvements at the intersection of Route 30 (South Avenue) and Wellesley Street in the town of Weston; provided further, that not less than \$2,500,000 shall be expended for the planning, design, construction, and any other associated costs for drainage improvements along Route 9 adjacent to Boulder Brook and Morses Pond in the Town of Wellesley; provided further, that the Department of Transportation shall expend not more than \$250,000 on a Street Scape Project to re-work and energize Goeres Square (Rt. 28) in the town of Avon; provided further, that the Department of Transportation shall expend not more than \$500,000 for road improvements to the Avon Industrial Park in the town of Avon; provided further, that not less than \$500,000 be expended for signalization improvements at the intersection of Ethyl Way, Erin Road, and Central Street in the Town of Stoughton, including, but not limited to, installation of a traffic light and improvements to the roadway and sidewalks; provided further, that not less than \$500,000 be expended for signalization improvements at East Spring Street, East Main Street (Route 28), and West Spring Street in Avon. These lights shall be coordinated with the lights at the intersection of Harrison Boulevard and East Main Street (Route 28) in Avon; provided further, that not less than \$250,000 shall be expended for the reconstruction of the Tiffany Street intersection in the city of Attleboro; provided further, that \$1,000,000 shall be expended to remove the center bascules of the Brightman Street Bridge spanning the Taunton River between the Town of Somerset and the City of Fall River; provided further, that \$3,000,000 may be expended to raze the Brightman Street Bridge spanning the Taunton River between the Town of Somerset and the City of Fall River; provided that not less than \$800,000 shall be expended for construction for a bicycle path with lighting and related streetscape amenities for the Slade's Ferry Landing Redevelopment Project located within the town of Somerset; provided further, that \$1,000,000 shall be expended for the Main street improvement project in the city of Malden; provided further, that not less than \$1,000,000 shall be expended for a parking control system in the downtown area of the city of Medford; provided further, that

\$1,000,000 shall be expended for the Medford square roadway project in the city of Medford; provided further, that \$30,000 shall be expended for countdown pedestrian signals at various intersections in the city of Malden; provided further, that not less than \$930,000 shall be expended for design and reconstruction of the intersection of Exchange street, Curve street and Plain street in the town of Millis; provided further, that not less than \$200,000 shall be expended for the reconstruction, renovation and improvement of the tourist information center and sanitary facility at the Swansea Visitor's Center on Interstate 195 in the town of Swansea including but not limited to, new building construction, light and safety projects, installation of water lines, landscaping, fencing, and sign installation; provided further, that when the department upgrades sanitary facilities, it does so in such a way to enhance the environment by utilizing zero pollution discharge technologies including recycling greywater systems; provided further, that not less than \$50,000 shall be expended for design of opticon traffic lights at the Seekonk Public Safety Complex on Route 44 and opticon traffic lights at the intersection of Route 44 and Arcade Avenue in the town of Seekonk; provided further, that \$100,000 shall be expended for design and improvements along Gray street in the town of Arlington; provided further, that not less than \$160,000 shall be expended to make safety improvements for a walk to school crossing on South Main street in the town of Natick; provided further, that not less than \$1,000,000 shall be expended for the construction of the Pine Hill access road in the town of Sherborn; provided that not less than \$500,000 shall be made available for the extension of the Ashuwillticook Rail Trail extension project from the town of Lanesborough to Crane Avenue in Pittsfield; provided that not less than \$70,000 shall be made available for a Preliminary Structure Report for the Schell Bridge in Northfield; provided further, that not less than \$250,000 shall be expended for a road construction project on Central Street, from the intersections of North Street to Spruce Street, in the town of North Reading; provided further, that not less than \$350,000 shall be expended for a road construction project on Tower Hill Road in the town of North Reading; provided further, that not less than \$100,000 shall be expended for a pedestrian actuated signal at the intersection of Salem Street and Bay State road in the town of Reading; provided further, that not less than \$4,000,000 shall be

expended for the full depth reconstruction of West Street from the Woburn City line to the intersection of Longwood Road and West Street, including roadway work along the various side streets within that expanse, and for the installation of new granite curbing, ADA accessible sidewalks, improvements to the drainage system, installation of new pavement markings and signs, and fully actuated traffic signals along this stretch in the town of Reading; provided, that \$150,000 be expended for the construction of the Yankee Doodle Bike Path from Billerica Memorial High School to the town line of the town of Bedford, all in the town of Billerica; provided further, that not less than \$2,500,000 be expended for the South Sharon Infrastructure Project at the intersection of Old Post Road at South Main Street and Interstate Highway 95; provided further, that not less than \$1,000,000 be expended for signalization improvements at the intersection of North Main Street and Hixson Farm Road in the Town of Sharon, including, but not limited to, installation of a traffic light and improvements to the roadway and sidewalks; provided further, that not less than \$100,000 shall be expended for a study of possible traffic improvements in the Town of Stoughton, focusing on Routes 138 and 27 and the intersection of said roads in the downtown area; provided further, that \$1,000,000 shall be expended for infrastructure improvements to the Maurice J. Tobin Memorial bridge in the city of Chelsea and the Charlestown section of the city of Boston, including but not limited to guardrail and lighting repairs; provided further that \$10,000,000 shall be expended for the redesign and reconfiguration of Rutherford Avenue and Sullivan Square in the Charlestown section of the City of Boston; provided further that the department, while authorized to expend up to \$300,000, shall retain an independent, third-party, nationally recognized consultant in hazmat transportation routing risk analysis to conduct a regional hazardous materials routing analysis which: (a) addresses the safe and efficient transportation of hazardous materials through and around the greater metropolitan Boston area; (b) addresses the public safety capabilities, environmental considerations and infrastructure capacity of impacted communities; and (c) makes recommendations for improving the transportation of hazardous materials while safeguarding impacted communities; provided further that not less than \$500,000 will be used for the planning, engineering, design, or construction of intersection and



364 signalization improvements and the integration of pedestrian and  
365 bicycle safety upgrades conforming to the “complete streets”  
366 concepts following the newly completed reconstruction of  
367 underground utilities to Route 126 in the Town of Framingham;  
368 provided further, that not less than \$500,000 shall be expended for  
369 the planning, engineering, design, or construction of projects to  
370 mitigate the impact of the at-grade rail crossing on the delivery of  
371 emergency municipal services, including police and fire services,  
372 in the town of Ashland; provided further that no less than \$100,000  
373 be allocated to the Town of Boylston for the purpose of economic  
374 business development along Route 140; provided that not less than  
375 \$200,000 shall be expended for repairs and re-pavement of the  
376 entirety of Green-Street located in the Town of Boylston; provided  
377 that no less than \$500,000 be allocated for the reimbursement to  
378 municipalities for expenditures directly related to the design and  
379 planning of Transportation Improvement Projects (TIP); provided,  
380 further, that \$100,000 shall be expended for the replacement of  
381 guardrails on Main Street, Maple Street and Pantry Road in the  
382 town of Hatfield; provided, further, that \$300,000 shall be  
383 expended for the replacement of the Old Mill Bridge on Prospect  
384 Court in the town of Hatfield; provided, further, that \$300,000  
385 shall be expended for the reconstruction of sidewalks along Main  
386 Street in the town of Hatfield; provided, further, that \$500,000  
387 shall be expended for emergency repairs to the Powder Mill Brook  
388 Bridge on Main Road in the town of Montgomery; provided that  
389 \$1,000,000 shall be expended for the design and construction of a  
390 pedestrian footbridge over the Massachusetts Turnpike with and  
391 entry and exit point for the north side of the footbridge on Lincoln  
392 Street between Antwerp Street and South Waverly Street in the  
393 City of Boston and an entry and exit point on the south side of the  
394 footbridge at the proposed New Brighton Landing commuter rail  
395 stop, provided that funds shall be expended for the design and  
396 construction of three pedestrian underpasses adjacent to the  
397 Boston-side of the Charles River at the River Street, Western  
398 Avenue, and Anderson bridges; provided further, that these  
399 underpasses shall be constructed by tunnel through the western  
400 wing walls of said bridges; provided further that the pathway  
401 leading to these underpasses shall not extend laterally toward the  
402 center of the Charles River further than the new underpass finished  
403 tunnel bores; provided further, that the pathway leading to these

underpasses shall not extend over the watershed of the Charles River any further than the minimum distance required to achieve the required slope and grade specifications for the pathways to comply with the Americans with Disabilities Act; and provided further, that the pathway structures and tunnels shall not alter the existing arches of said River Street or Western Avenue bridges or hinder or impede any navigable waterway through the existing arches of said bridges; provided that \$500,000 shall be expended for a study to design and construct a pedestrian footbridge with an entry and exit point between Brooks Street and Parsons Street in the City of Boston over the existing roadways to an entry and exit point on the Dr. Paul Dudley White Bike Path; provided, further, that \$200,000 shall be expended for pedestrian and vehicle safety improvements, at the intersection of Ryan and Florence Roads in the city of Northampton; provided, further, that \$50,000 shall be expended for a feasibility study for the construction of sidewalks on Glendale Road, West Farms Road and upper Ryan Road in the city of Northampton; provided, further, that \$300,000 shall be expended for the engineering costs for the emergency repair of the East Street Bridge in the town of Southampton; provided, further, that \$500,000 shall be expended for the reconstruction of Fomer Road, from Route 10 to Crooked Ledge Road in the town of Southampton; and provided further, that up to \$400,000 shall be expended for a planning study of current and proposed Massachusetts Turnpike entrance and exit ramps in the Back Bay and Fenway sections of Boston, which study shall include an evaluation of changes to or demolition of some or all of the Bowker Overpass; further, provided that no less than \$500,000 shall be expended for the design, construction, repair and improvements of the so-called Brimbal Avenue Interchange Improvement Project located at or near Exit 19 in Beverly and identified as MassHighway Project file no. 604369; provided further, that not less than \$750,000 shall be expended for the signalization of the intersections of Route 140 (Commercial Boulevard) and the northern end of Central Street in the town of Foxborough; provided further, that not less than \$700,000 shall be expended for drainage improvements, roadway restoration, reconstruction of sidewalks and intersection reconstruction at the intersections of Chestnut and Elm Streets as well as Chestnut Street and Route 1 in the town of North Attleborough; provided

further, that not less than \$6.5 million shall be expended for the design and reconstruction of route 143 in the town of Worthington; and provided further that not less than \$6.3 million shall be expended for the design and reconstruction of route 143 in the town of Chesterfield; provided further that no less than \$250,000 shall be expended for the City of Marlborough for the design and right-of-way costs for roadway and sidewalk reconstruction of Maple Street (Rt 85) from the Southborough town line to John Street, in the City of Marlborough; that 7,000,000 shall be expended for the reconstruction of Canal Street in the city of Salem; provided, further, that \$300,000 shall be expended for the reconstruction of the bridge on South Road in the town of Westhampton; provided further, that \$1,000,000 shall be expended for roadwork construction and streetscape improvements in the lower millyard of Amesbury; provided further, that not less than \$450,000 shall be expended for improvements to the roadway, pedestrian crossings, sidewalks, and park entrances on Charles River Road in the town of Watertown, conditioned on matching commitment of no less than \$750,000 of additional funding from other public and/or private sources for improvement of the adjoining parklands; provided further, that not less than \$150,000 shall be expended for the study, design, planning and replacement of structurally deficient bridges in the Town of New Marlborough; provided further, that not less than \$200,000 shall be expended for the study, design, planning and replacement of structurally deficient bridges in the Town of Lee; and provided further, that not less than \$100,000 shall be expended for resurfacing and storm drainage improvements to the Tyringham Road in the Town of Lee; provided further, that \$2,600,000 shall be expended for the design and construction of the Essex coastal scenic byway connecting certain municipalities including, but not limited to, Lynn, Swampscott, Marblehead, Salem, Beverly, Manchester-by-the-Sea, Gloucester, Rockport, Essex, Ipswich, Rowley, Newbury, and Newburyport; provided further, that \$500,000 shall be expended for the acquisition of a rail line for the construction of a rail trail in the town of Southampton; provided further that \$500,000 shall be expended on street resurfacing of Washington St (Route 53) in Weymouth at the intersection of Commercial St and Front St extending to the intersection of Broad St. and furthermore for street resurfacing and sidewalk improvements

484 from the intersection of Broad St and Washington St to the  
485 intersection of Route 18 and Route 53; provided further that not  
486 less than \$1,000,000 shall be expended on the Route 3A Project in  
487 Weymouth at the base of the Fore River Bridge extending  
488 southward to the intersection of Green St Bridge St, and Neck St  
489 for the grading and paving of roadways as well as construction and  
490 repair of sidewalks as to conform to ADA standards, placement of  
491 light fixtures and ground mounted electronic signs to indicate  
492 bridge openings and current traffic conditions, and for the  
493 installation of below grade utilities, and the planting of trees and  
494 landscaping along the roadway; provided, that not less than  
495 \$250,000 shall be expended on the Weymouth Washington St.  
496 (Route 53) at Middle St. and Winter St. Project for the repair or  
497 replacement and upgrade of the Winter St. concrete barrier and  
498 chain-link fencing with picket post cap fencing; provided further,  
499 that \$400,000 shall be expended for improvements in the  
500 municipal parking facilities in the town of Arlington; provided  
501 further, that \$1 million shall be expended for the design and  
502 reconstruction of sidewalks along route 1 (Lafayette Road) from  
503 Salisbury square to the New Hampshire border; provided further,  
504 that \$1 million shall be expended for streetscape and safety  
505 improvements to the route 113 gateway (Storey Avenue) in  
506 Newburyport; provided further, that \$1 million shall be expended  
507 for the Newburyport intermodal transportation center; provided  
508 further, that \$900,000 shall be expended for the acquisition and  
509 construction of a rail trail from Rabbit Road in Salisbury to Elm  
510 Street in Amesbury; provided further, that no less than  
511 \$10,000,000 shall be provided for the design, reconstruction and  
512 safety improvements to Riverside Road, Plainfield Street, Fisk  
513 Avenue and West Street in the City of Springfield; provided  
514 further, that \$12,000,000 shall be expended for improvement and  
515 repair work to infrastructure along the Merrimack River, including  
516 but not limited to boardwalk and marina access improvements,  
517 seawall repair, and boardwalk development, in the City of  
518 Haverhill; provided that \$3,500,000 In the City of Boston, in the  
519 neighborhood of Dorchester, funds shall be expended for the  
520 reconstruction of sidewalks from the intersection of Granite  
521 Avenue and Gallivan Boulevard, along Gallivan and Morrissey  
522 Boulevards to 100 Morrissey Boulevard at the University of  
523 Massachusetts at Boston; provided further, that \$10,000,000 shall

be expended for the lower north shore highway improvement project, including but not limited to improvements to route 1 in the cities of Revere and Malden and the town of Saugus, improvements at Mahoney circle, improvements at Brown circle, improvements at Copeland circle, improvements at the intersection of Revere street and route 60 and improvements at the intersection of route 145 and route 16; provided further that up to \$10,000,000 for traffic and streetscape improvements on lower Revere and Ocean Avenue in the city of Revere; provided further, that not less than \$400,000 shall be expended for the site work, construction, and implementation of a traffic light and subsequent road work to state highway Rt. 53 and Pleasant St. in the Town of Pembroke; provided further, that \$250,000 shall be expended for the augmentation of the work being done with PWED Grant money from Hall Street to Eugenia Street in the town of Randolph; provided further, that \$20,000 shall be expended shall be expended for the installation of crosswalks along Route 28 in the town of Milton and along that portion of Reedsdale Road extending from the intersection of Route 28 and Canton Avenue to the intersection of Route 28 and Randolph Avenue and provided further that said crosswalks shall be placed at appropriate intervals to effect the safe and convenient pedestrian crossing of the roadway; provided further, that \$230,000 shall be expended shall be expended for the irepair of sidewalks along Granite Avenue in the town of Milton and along that portion of Granite Avenue extending from the intersection of Granite Avenue and Squantum Street to the intersection of Granite Avenue and the on ramp to Interstate 93N; provided further, that \$10,000,000 shall be expended for improvement and repair work to the Downtown area, including but not limited to parking garage repair and improvements, street-scaping, traffic improvements, design and construction costs for sites with transportation purposes, improvements of river access, in the City of Haverhill; provided further, that not less than \$130,000 shall be expended for resurfacing infrastructure improvement to Forge Pond park in the Town of Hanover; provided further, that not less than \$600,000 shall be expended for the resurfacing and/or reconstruction, including minor drainage improvements of Route 123 in the Town of Norwell; provided further, that \$350,000 shall be expended for the planning and construction of two physically separate and segregated bicycle and pedestrian pathways along

564 Memorial drive and the Cambridge parkway from the Eliot bridge  
565 to the Craigie Dam bridge and the Craigie drawbridge in the city of  
566 Cambridge; provided further, that \$450,000 shall be expended for  
567 design and planning of Massachusetts avenue from Beech street to  
568 the Arlington town line in the city of Cambridge; provided further,  
569 that \$250,000 shall be expended for the construction of the  
570 Northern Strand Community Trail (Bike to the Sea Trail) in the  
571 city of Malden; provided further, that \$250,000 shall be expended  
572 for the design and construction of traffic signals at the intersections  
573 of Harvard street with Main street and Willis avenue in the city of  
574 Medford; provided further, that \$75,000 shall be expended for  
575 pedestrian safety improvements on route 16 in the vicinity of  
576 Dilboy stadium in the city of Somerville; provided further, that  
577 \$250,000 shall be expended for design and improvements at the  
578 intersections of Boston avenue with route 16 in the city of  
579 Somerville, Boston avenue and Winthrop street in the city of  
580 Medford, and pedestrian safety improvements on Winthrop street  
581 between Boston avenue and route 16 in the city of Medford  
582 .....\$325,000,000

583 SECTION 2B.

584 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

585 Highway Division

586 6122-1223 For the construction and reconstruction of town and county  
587 ways as described in clause (b) of the second paragraph of section  
588 4 of chapter 6C of the General Laws, the "chapter 90 program";  
589 provided that a city or town shall comply with the procedures  
590 established by the Massachusetts Department of Transportation;  
591 provided, further, that any city or town may appropriate for these  
592 projects amounts not in excess of the amount provided to the city  
593 or town under this item, preliminary notice of which shall be  
594 provided by the department to the city or town not later than April  
595 1 of each year; provided, further, that the appropriation shall be  
596 considered as an available fund upon approval of the commissioner  
597 of revenue under section 23 of chapter 59 of the General Laws; and  
598 provided, further, that the commonwealth shall reimburse a city or  
599 town under this item, subject to the availability of funds as  
600 provided in section 9B of chapter 29 of the General Laws, within

601 30 days after receipt by the department of a request for  
602 reimbursement from the city or town, which request shall include  
603 certification by the city or town that actual expenses have been  
604 incurred on projects eligible for reimbursement under this item,  
605 and that the work has been completed to the satisfaction of the city  
606 or town according to the specifications of the project and in  
607 compliance with applicable laws and procedures established by the  
608 department.....\$200,000,000

609 SECTION 2C.

610 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

611 Rail and Transit Division

612 6622-1205 For the purposes of chapter 161B of the General Laws,  
613 including the purchase and rehabilitation of rolling stock, related  
614 assets and support equipment necessary to safely serve transit  
615 passengers, construction and rehabilitation of regional transit  
616 authority operations and passenger facilities, and purchase of  
617 related appurtenances and tools; provided further, that not less than  
618 \$175,000 shall be expended on a matching grant to the town of  
619 Stoughton or the Stoughton Redevelopment Authority for the  
620 purpose of purchasing and/or refurbishing the Stoughton Railroad  
621 Station at 45 Wyman Street in the town of  
622 Stoughton.....\$11,000,000

623 SECTION 2D.

624 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

625 Rail and Transit Division

626 6622-1280 For the purpose of implementing rail improvements under  
627 chapter 161C of the General Laws; provided, that funds  
628 may also be used for transportation planning, design,  
629 permitting, acquisition of interests in land, and  
630 engineering for heavy rail, light rail, bus and other  
631 transit projects, including the industrial rail access  
632 program; provided, however, the department shall adopt  
633 regulations within 180 days of the effective date of this  
634 act implementing the industrial rail access program,  
635 which shall increase access to rail freight service and  
636 preserve or stimulate economic development through the

637 generation of new or expanded rail service; provided  
638 that, the secretary of transportation shall have the  
639 responsibility for evaluating and selecting eligible  
640 projects, in consultation with the secretary of housing  
641 and economic development, where the public benefit  
642 will be gained through improved use of the rail  
643 transportation network or that will facilitate economic  
644 growth through access to the rail assets within the  
645 commonwealth; provided further that not less than  
646 \$50,000 shall be expended for the City of Newton's  
647 conversion of the abandoned, MBTA-controlled rail line  
648 parallel to Needham Street in Newton to a linear park,  
649 with potential future conversion to a green-line  
650 extension; provided that the program shall be available  
651 to any political subdivision, railroad or shipper operating  
652 within the commonwealth; provided further, that  
653 \$500,000 may be expended for the design, siting and  
654 initial permitting for a commuter rail station at  
655 Wonderland Park in the city of Revere; and, provided,  
656 further, that the amounts specified in this item or for a  
657 particular project may be adjusted in order to facilitate  
658 other needs of the department or other projects; provided  
659 further that \$6,000,000 shall be expended for planning,  
660 design, relocation, construction and enhancement of the  
661 inbound and outbound station platforms of the  
662 Massachusetts Bay Transportation Authority Green Line  
663 B branch stations at the intersection of Wallingford road  
664 and Commonwealth avenue and the Washington street  
665 platform at the intersection of Washington street and  
666 Commonwealth avenue in the city of Boston, and  
667 planning, design, relocation, construction and  
668 enhancement of a center, side platform station of the  
669 Green Line B branch station located the intersection of  
670 Lake street and Commonwealth avenue; provided further  
671 that not less than \$1,500,000 will be used for the  
672 planning, engineering, design, or construction of a  
673 facility for the operations, maintenance and demand  
674 respond dispatch of the MetroWest Regional Transit  
675 Authority; provided further, that not less than \$500,000  
676 be expended to improve pedestrian access and safety at



677 the Canton Junction commuter rail station; provided  
678 further, that not less than \$300,000 be expended for  
679 capital improvements to the Canton Center commuter  
680 rail station; provided , further. that \$350,000 shall be  
681 expended for engineering and planning for an intermodal  
682 transportation center adjacent to the existing north-south  
683 rail line in the city of Northampton that is part of the  
684 planned high speed “Vermonter” rail service  
685 expansion.....\$300,000,000  
686

687 SECTION 3. Section 2 of chapter 6C of the General Laws, as appearing in the 2010  
688 Official Edition, is hereby amended by striking out subsection (b) and inserting in place  
689 thereof the following subsection:-  
690 (b) The department shall be governed and its corporate powers exercised by a board of  
691 directors. The board shall consist of 7 members appointed by the governor for a term of 4  
692 years, 3 of whom shall be experienced in the field of public or private finance and  
693 management; 1 of whom shall have experience in public policy, 1 of whom shall have  
694 experience in transportation planning and policy; 1 of whom shall be the secretary of  
695 transportation, who shall serve ex officio; and 1 of whom shall be a registered civil  
696 engineer with at least 10 years experience. One of the members shall be designated by the  
697 governor to serve as chairperson of the board. Not more than 4 of the directors, except the  
698 ex-officio director, shall be members of the same political party. Each director shall serve  
699 without compensation but may be reimbursed for actual and necessary expenses  
700 reasonably incurred in the performance of their duties, including reimbursement for  
701 reasonable travel; provided, however, that such reimbursement shall not exceed \$3000  
702 annually. Any person appointed to fill a vacancy in the office of a member of the board  
703 shall be appointed in a like manner and shall serve for only the unexpired term of such

704 former member. Any director shall be eligible for reappointment. Any director may be  
705 removed from his appointment by the governor for cause. The board shall annually elect  
706 1 of its members to serve as vice-chairperson.

707 SECTION 4. Said section 2 of said chapter 6C, as so appearing, is hereby further  
708 amended by striking out, in line 30, the word "Four" and inserting in place thereof the  
709 following words:- A majority of.

710 SECTION 5. Said section 2 of said chapter 6C, as so appearing, is hereby further  
711 amended by striking out, in lines 67 to 68, the words "and the treasurer, as elected by the  
712 board pursuant to subsection (f)" and inserting in place thereof the following words:- of  
713 the department.

714 SECTION 6. Subsection (f) of said section 2 of said chapter 6C, as so appearing, is  
715 hereby amended by adding the following sentence:- The secretary of the board is  
716 authorized to delegate in writing any of their powers and duties required pursuant to this  
717 section.

718 SECTION 7. Chapter 161A of the General Laws is hereby amended by striking out  
719 section 7, as so appearing, and inserting in place thereof the following section:-  
720 Section 7. The authority shall be governed and its corporate powers exercised by the  
721 board of directors of the Massachusetts Department of Transportation established  
722 pursuant to chapter 6C.

723 SECTION 7A. Section 8 of chapter 306 of the acts of 2008 is hereby amended by striking  
724 out the second paragraph and inserting in place thereof the following paragraph:-  
725 The board of directors shall consist of 21 persons who shall be voting members. The by-  
726 laws shall contain provisions ensuring that as a director's term expires, the board of

727 directors fill each vacant position, provided that: (i) 1 such director shall be voted from  
728 nominees selected by the state representative representing the third suffolk district for a  
729 term of 5 years and 1 such director shall be voted from nominees selected by the state  
730 senator representing the first suffolk and first middlesex district for a term of 5 years: (iii)  
731 2 directors shall be selected by the board from a list of names provided by the governor:  
732 (iv) 2 director shall be selected by the board from a list of names provided by the mayor  
733 of the city of Boston: (v) 1 director shall be selected by the board from a list of names  
734 provided by the Secretary of the Department on Transportation; (vi) 1 director shall be  
735 selected from a list of names provided by the Secretary of the Department of Energy and  
736 Environmental Affairs; (vi) 1 director shall be selected from a list of names provided by  
737 the North End/Waterfront Neighborhood Council; (vii) 1 director shall be selected from  
738 a list of names provided by the Wharf District Council; (viii) 1 director shall be selected  
739 from a list of names provided by the Chinatown Neighborhood Council; (ix) 1 director  
740 shall be selected from a list of names provided by the Leather District Neighborhood  
741 Association; (x) the remaining directors shall be selected for 3 year terms by a majority  
742 vote of said board then serving, notwithstanding the two term limited Board  
743 appointments from May of 2009. Those appointments shall expire and they shall revert to  
744 the North End/Waterfront Residents Association and the Chinatown Residents  
745 Association who shall each respectively submit a list of names for the board to select 1  
746 director from each organization.

747 All directors and committee members shall serve without compensation. No director or  
748 committee member shall be deemed a public employee or a state, special state, municipal  
749 or special municipal employee or a civil officer by virtue of his position as a director or

750 committee member. Other provisions relative to tenure, removal, resignation, quorum,  
751 meetings, notices, and the like shall be contained in the by-laws, which may be amended,  
752 revised and adopted by the conservancy as it deems appropriate and in a manner not  
753 inconsistent with this act or the agreement.

754 SECTION 7B. Said chapter 306 is hereby further amended by adding the following  
755 sections:-

756 Section 8A. Except when meeting (i) in executive session, as permitted by section 21(a)  
757 of chapter 30A of the General Laws, or (ii) to discuss fundraising and non-governmental  
758 revenue issues and opportunities, including but not limited to fundraising prospects,  
759 fundraising or grant agreements, or fundraising strategy, the board shall comply with  
760 sections 18 to 25, inclusive, of said chapter 30A. Any lease between the department of  
761 transportation and the Conservancy described in Section 10 shall provide that any  
762 material failure of the board to comply with the provisions of sections 18 to 25, inclusive,  
763 of chapter 30A that is not cured in accordance with the terms of the lease or as ordered by  
764 the Attorney General shall be considered a default under said lease, and shall be subject  
765 to such remedies for default set forth in said lease.

766 Section 8B. The Board shall comply with the requirements of clause 26 of section 7 of  
767 chapter 4 and section 10 of chapter 66 of the General Laws; provided further, that any  
768 donations received by the Conservancy from a private individual, corporation or any  
769 other private source shall be exempted from the provisions of this section. Any lease  
770 between the department of transportation and the Conservancy described in Section 10  
771 shall provide that any material failure of the board to comply with the requirements of  
772 clause 26 of section 7 of said chapter 4 or section 10 of said chapter 66 that is not cured

in accordance with the terms of the lease, shall be considered a default under said lease,  
and shall be subject to such remedies for default set forth in said lease.

SECTION 7C. Section 9 of said chapter 306 is hereby repealed.

SECTION 8. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$750,000,000. All bonds issued by the commonwealth shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other provisions of this act, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 9. To meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$325,000,000. All bonds issued by the commonwealth shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth

Transportation Fund. Notwithstanding any other provisions of this act, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 10. To meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, the sum of \$200,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Town and County Ways and Economic Development Loan, Act of 2012, and shall be issued for a maximum terms of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth. All bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal of these obligations shall be payable from the General Fund. Notwithstanding any other general or special law to the contrary, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 11. To meet the expenditures necessary in carrying out section 2C, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$11,000,000 which shall be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court

819 under section 3 of Article LXII of the Amendments to the Constitution; provided,  
820 however, that all these bonds shall be payable not later than June 30, 2047. All interest  
821 and payments on account of principal on these obligations shall be payable from the  
822 Commonwealth Transportation Fund. Bonds and interest thereon issued under this  
823 section shall be general obligations of the commonwealth.

824 SECTION 12. To meet the expenditures necessary in carrying out section 2D, the state  
825 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth  
826 in an amount to be specified by the governor from time to time but not exceeding, in the  
827 aggregate, \$300,000,000 which shall be in addition to those bonds previously authorized  
828 for projects and programs which are eligible to receive federal funding and which  
829 authorizations remain uncommitted or unobligated on the effective date of this act. All  
830 bonds issued by the commonwealth as aforesaid shall be designated on their face,  
831 Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term  
832 of years, not exceeding 30 years, as the governor may recommend to the general court  
833 under section 3 of Article LXII of the Amendments to the Constitution; provided,  
834 however, that all these bonds shall be payable not later than June 30, 2047. All interest  
835 and payments on account of principal on these obligations shall be payable from the  
836 Commonwealth Transportation Fund. Bonds and interest thereon issued under this  
837 section shall be general obligations of the commonwealth.

838 SECTION 13. Notwithstanding any general or special law to the contrary, in carrying out  
839 sections 2 to 2D, inclusive, and all other provisions of this act, the Massachusetts  
840 Department of Transportation may enter into contracts, agreements, or transactions that  
841 may be appropriate with other federal, state, local or regional public agencies or

authorities. The contracts, agreements, or transactions may relate to such matters as the department shall determine including, without limitation, the research, design, layout, construction, reconstruction or management of construction of all or a portion of these projects. The Massachusetts department of transportation may enter into an agreement with the bureau of environmental health within the department of public health to conduct the study mandated in Section 154 of Chapter 25 of the Acts of 2009, and shall provide that the bureau shall report its findings together with suggested legislation, if any, to the house and senate committees on ways and means no later than June 30, 2013. In relation to any such contracts, agreements, or transactions the department may advance monies to these agencies or authorities, without prior expenditure by the agencies or authorities, and the agencies and authorities may accept monies necessary to carry out these agreements; provided, however, that the department shall certify to the comptroller the amounts so advanced; provided further, that these agreements shall contain provisions satisfactory to the department for the accounting of monies expended by any other agency or authority; and provided, further, that all monies not expended under any such agreement shall be credited to the account of the department from which they were advanced. The department shall report to the house and senate committees on ways and means on any transfers completed under this section.

SECTION 14. (a) Notwithstanding any other general or special law to the contrary, the Massachusetts Department of Transportation shall expend the sums authorized in sections 2A and 2B for the following purposes: projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on- and off-street bicycle projects,



865 sidewalks, telecommunications, parking facilities, auto-restricted zones, scenic  
866 easements, grade crossing eliminations and alterations of other crossings, traffic safety  
867 devices on state highways and on roads constructed under clause (b) of the second  
868 paragraph of section 4 of chapter 6C of the General Laws, highway or mass  
869 transportation studies, including, but not limited to, traffic, environmental, health impact,  
870 or parking studies, or the study mandated in Section 154 of Chapter 25 of the Acts of  
871 2009, the establishment of school zones in accordance with section 2 of chapter 85 of the  
872 General Laws, improvements on routes not designated as state highways without  
873 assumption of maintenance responsibilities and, notwithstanding any general or special  
874 law to the contrary, projects to alleviate contamination of public and private water  
875 supplies caused by the department's storage and use of snow removal chemicals which  
876 are necessary for the purposes of highway safety and for the relocation of persons or  
877 businesses or for the replacement of dwellings or structures including, but not limited to,  
878 providing last resort housing under federal law and such functional replacement of  
879 structures in public ownership as may be necessary for the foregoing purposes and for  
880 relocation benefits to the extent necessary to satisfy the requirements of the Uniform  
881 Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C.  
882 4601 et seq., Pub. L. 97-646, 84 Stat. 1864 (1971), and to sell any structure the title to  
883 which has been acquired for highway purposes. When dwellings or other structures are  
884 removed in furtherance of any of the foregoing projects, the excavations or cellar holes  
885 remaining shall be filled in and brought to grade within 1 month after the removal. In  
886 planning projects funded by said sections 2A and 2B, consideration shall be made, to the  
887 extent feasible, to accommodate and incorporate provisions to facilitate the use of

bicycles and walking as a means of transportation; provided, however, that nothing in this section shall be construed to give rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects described in this section.

(b) Funds authorized in sections 2A and 2B shall, except as otherwise specifically provided in this act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter 718 of the acts of 1956, if applicable, and, notwithstanding any general or special law to the contrary, may be used for the purposes stated in this act in conjunction with funds of cities, towns and political subdivisions.

(c) In addition to the foregoing, the Massachusetts Department of Transportation may expend funds made available by this act to acquire from a person by lease, purchase, eminent domain under chapter 79 of the General Laws or otherwise, land or rights in land for parking facilities adjacent to a public way to be operated by the department or under contract with an individual; expend funds made available by this act for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools and high-occupancy vehicles including, but not limited to, water shuttles and water taxis; and, in accordance with all applicable state and federal laws and regulations, exercise all powers and do all things necessary and convenient to carry out the purposes of this act.

(d) In carrying out this section, the Massachusetts Department of Transportation may enter into contracts or agreements with cities to mitigate the effects of projects undertaken under this act and to undertake additional transportation measures within the city and may enter into contracts, agreements, or transactions with other federal, state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions that may be necessary to implement these contracts or agreements with

911 cities. Cities and other state, local or regional public agencies, authorities, nonprofit  
912 organizations or political subdivisions may enter into these contracts, agreements, or  
913 transactions with the department. In relation to these agreements, the department may  
914 advance to these agencies, organizations or authorities, without prior expenditure by the  
915 agencies, organizations or authorities, monies necessary to carry out these agreements;  
916 provided, however, that the department shall certify to the comptroller the amount so  
917 advanced; provided further, that all monies not expended under these agreements shall be  
918 credited to the account of the department from which they were advanced. The  
919 department shall report to the house and senate committees on ways and means on any  
920 transfers completed under this subsection.

921 (e) In addition to the foregoing, the department may expend funds made available by this  
922 act for matching funds to obtain federal funds for costs associated with the design,  
923 acquisition, renovation, construction, reconstruction and other improvements for transit  
924 projects.

925 SECTION 15. Notwithstanding any other general or special law to the contrary, the  
926 Massachusetts Department of Transportation shall take all necessary actions to secure  
927 federal highway or transportation assistance which is or may become available to the  
928 department including, but not limited to, actions authorized under or in compliance with  
929 Title 23 of the United States Code, the Surface Transportation Act of 1987, Pub. L. 100-  
930 17, the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, the  
931 Transportation Equity Act for the 21st Century, Pub. L. 105-178, the Safe, Accountable,  
932 Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59,  
933 Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. Law 110-53

and any successor acts or reauthorizations of those acts, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements and making any determinations and certifications necessary or appropriate to the foregoing. If a federal law, administrative regulation or practice requires an action relating to federal assistance to be taken by a department, agency or other instrumentality of the commonwealth other than the Massachusetts Department of Transportation, the other department, agency or instrumentality shall take such action.

SECTION 16. Notwithstanding any other general or special law to the contrary, all construction contracts funded in whole or in part by the funds authorized by this act shall include a price adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each material shall be set by the awarding authority or agency and included in the bid documents at the time a project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material or supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds plus or minus 5 per cent.

SECTION 17. Notwithstanding any other general or special law to the contrary, section 61 and sections 62A to 62I, inclusive, of chapter 30, chapter 91 and section 40 of chapter 131 of the General Laws shall not apply to bridge projects of the Massachusetts Department of Transportation and the Massachusetts Bay Transportation Authority for the repair, reconstruction, replacement or demolition of existing state highway, authority and municipally-owned bridges, including the immediate approaches necessary to

957 connect the bridges to the existing adjacent highway and rail system, in which the design  
958 is substantially the functional equivalent of, and in similar alignment to, the structure to  
959 be reconstructed or replaced; provided, however, that said section 61 and said sections  
960 62A to 62I, inclusive, of said chapter 30 shall apply to the repair, reconstruction,  
961 replacement or demolition project where the project requires a mandatory environmental  
962 impact report under 301 CMR 11.00; provided further, that all such work shall be subject  
963 to the requirements of the then current edition of the Massachusetts Department of  
964 Transportation's Stormwater Handbook as approved by the department of environmental  
965 protection in accordance with applicable law, that notice shall be published in the  
966 Environmental Monitor of any application to the department of environmental protection  
967 for a water quality certification, and that the work shall be subject to performance  
968 standards prescribed by the department of environmental protection under section 401 of  
969 the Federal Clean Water Act if applicable to the project; provided further, that  
970 notwithstanding the foregoing, said section 61 and said sections 62A to 62I, inclusive, of  
971 said chapter 30, said chapter 91, and said section 40 of said chapter 131 shall apply to any  
972 portions of the bridge and roadway approaches to the crossing of the Charles river for the  
973 Central Artery/Tunnel Project. If any state highway, authority, or municipal bridge  
974 crosses over a railroad right-of-way or railroad tracks, the department or authority, as  
975 applicable, shall seek the opinion of a railroad company, railway company or its assigns  
976 operating on the track of a necessary clearance between the track and the bridge, but the  
977 department and the authority and their agents or contractors may enter upon any right-of-  
978 way, land or premises of a railroad company or railway company or its assigns for  
979 purposes that the department or authority may consider necessary or convenient to carry

980 out this section. If a flagman is needed to carry out this section, the railroad company,  
981 railway company or its assigns shall provide the flagman. For the purposes of this  
982 section, "bridge" shall include any structure spanning and providing passage over water,  
983 railroad right-of-way, public or private way, other vehicular facility or other area. Any  
984 project exempted from any provision of law under this section shall be subject to the  
985 public consultation process required by the then current version of the Massachusetts  
986 Department of Transportation's project development and design guidebook.

987 SECTION 18. Notwithstanding any general or special law to the contrary, the  
988 unexpended balances of all capital accounts which otherwise would revert on June 30,  
989 2012, but which are necessary to fund obligations during fiscal year 2013, are hereby re-  
990 authorized.

991 SECTION 19. The MBTA train station at Whitman on the Kingston/Plymouth Line is  
992 hereby renamed the 'Edward "Ned" P. Kirby Train Station, Whitman'. There shall be a  
993 one-time disbursement of funds to be used for the creation of the signs at the station  
994 itself, which will continue to be abbreviated as the 'Whitman', station on all DOT  
995 materials.

996 SECTION 20. The Massachusetts Department of Transportation shall commission a  
997 study to determine the status of the redesign and reconfiguration projects in the Sullivan  
998 square and Rutherford avenue area in the Charlestown neighborhood of the city of  
999 Boston. Said Department shall report on the findings of said study, including remaining  
1000 obstacles to completion, to the chairs of the house and senate committees on ways and  
1001 means and the joint committee on transportation no later than December 31, 2012.

1002 SECTION 21. The Department of Transportation shall establish a telephone hotline for  
1003 citizens to have the ability to report trash, graffiti and signage obstructions along the  
1004 Commonwealth's roadways.

1005 SECTION 22. Section 38P of chapter 7 of the General Laws, as appearing in the 2010  
1006 Official Edition, is hereby amended by inserting after the word "location," in line 81, the  
1007 following words:- economic impact and potential job growth in the region of the public  
1008 works project.

1009 SECTION 23. Chapter 85 of the Massachusetts General Laws, as appearing in the 2010  
1010 Official Edition, is hereby amended by inserting the following new section at the end  
1011 thereof:-

1012 Section X. (a) Notwithstanding any other provision of law, any provision, clause,  
1013 covenant or agreement contained in a motor carrier transportation contract that purports  
1014 to indemnify, defend or hold harmless, or has the effect of indemnifying, defending or  
1015 holding harmless, an indemnitee from or against any liability for loss or damage resulting  
1016 from such indemnitee's negligence or intentional acts or omissions shall be void and  
1017 unenforceable. For the purposes of this section, 'motor carrier transportation contract'  
1018 means a contract, agreement or understanding entered into, renewed, modified or  
1019 extended on or after July 1, 2012, concerning (1) the transportation of property for  
1020 compensation or hire, (2) the entry on public or private property for the purpose of  
1021 loading, unloading or transporting property for compensation or hire, or (3) a service  
1022 incidental to the activities set forth in subdivisions (1) and (2) of this subsection.  
1023 "Motor carrier transportation contract" shall not include the Uniform Intermodal  
1024 Interchange and Facilities Access Agreement administered by the Intermodal Association

of North America or other agreements providing for the interchange, use or possession of intermodal chassis or containers or other intermodal equipment.

SECTION 24. Section 2 of Chapter 103 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking said section in its entirety and inserting in place there of the following section:-

Section 2. There shall be two commissioners of pilots for district one and one commissioner of pilots for each of the other three districts. Commissioner shall be appointed by the governor for a term of three years. Commissioners appointed after January 1, 2013 shall serve for no more than two terms. Commissioners appointed prior to January 1, 2013 shall be eligible to serve for no more than two additional terms upon expiration of their current term. A commissioner of pilots shall be a resident of the district in which he is appointed. Commissioners shall have experience in maritime and nautical affairs.

Section 2. There shall be two commissioners of pilots for district one and one deputy commissioner of pilots for each of the other three districts. On or before December first in any year when their terms of office expire, their successors shall be appointed by the governor, with the advice and consent of the council, for terms of three years. A deputy commissioner of pilots for any district shall be a resident of a town having a landing place accessible to vessels from the sea situated within that district. In this chapter, the word "commissioners" shall be held to mean, as to district one, the commissioners of pilots for said district and, as to each other district mentioned in section one, the deputy commissioner of pilots for such district. They shall have experience in maritime and nautical affairs. Appointments of commissioners for district one shall be made upon the



1048 recommendation of the trustees of the Boston Marine Society provided such  
1049 recommendation is made. Appointments of commissioners for districts other than district  
1050 one may be made upon the recommendation of said trustees. No commissioner for any  
1051 district shall be such a trustee.

1052 SECTION 25. Chapter 192 of the Acts of 2006 is hereby amended by striking out Section  
1053 12 and adding the following:-

1054 Item 7004-0097 of section 2E of chapter 122 of the acts of 2006 is hereby amended by  
1055 adding the following: "provided further, that not less than \$2,000,000 shall be  
1056 appropriated to the Massachusetts Bay Transportation Authority for a demonstration  
1057 project to increase groundwater levels in a section of the City of Boston adjacent to the  
1058 Southwest Corridor, with all phases of the design and implementation of the project to be  
1059 conducted in consultation with the Executive Office of Energy and Environmental  
1060 Affairs, the City of Boston, and the Boston Groundwater Trust. Such funds can only be  
1061 expended following the execution of a memorandum of understanding between the  
1062 Massachusetts Bay Transportation Authority, the Executive Office of Energy and  
1063 Environmental Affairs, the City of Boston, and the Boston Groundwater Trust that details  
1064 the design and review process of the demonstration project, the project management  
1065 process, and the consultation process amongst the parties.

1066 SECTION 26. Notwithstanding any general or special law to the contrary, the  
1067 Massachusetts bay transportation authority shall provide written notice to the clerks of  
1068 the house of representatives and senate no less than 90 days prior to the extension of any  
1069 commuter line service, including the extension of a current line or increasing use of a  
1070 current line, through the town of Walpole.

1071 SECTION 27. Chapter 85 of the General Laws is hereby amended by inserting after  
1072 section 34 the following section:-

1073 Section 34A. If the governing body in the municipality where a bridge, which carries a  
1074 public way, which has, within the previous 10 year period, been used for the purpose of  
1075 promoting public safety, is located in whole or in part, are of the opinion that such bridge  
1076 is in need of maintenance or repair, they may apply to the Massachusetts Department of  
1077 Transportation, which shall, after public notice, hear all persons interested, and, if it  
1078 decides that the work of maintenance or repair is necessary, shall prescribe the manner in  
1079 and the limits within which it shall be done, and shall forthwith certify its decision to the  
1080 parties, at which point any and all maintenance or repairs prescribed by the department's  
1081 decision shall be satisfied at the owner's expense.

1082 SECTION 28. Notwithstanding any general or special law to the contrary, upon a vote of  
1083 the appropriate governing body of the City of Lowell, no action shall be maintained for  
1084 personal injuries or property damage from defective ways, by a person the combined  
1085 weight of whose carriage or vehicle and load exceeds that of the heaviest public safety  
1086 vehicle employed by the municipality where the bridge is located in whole or in part.

# SENATE . . . . . No. 2376

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Senate, July 24, 2012 -- Text of the Senate amendment, printed as amended as a new text for the House bill financing improvements to the commonwealth's transportation system (House, No. 4193)

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Twelve  
\_\_\_\_\_

1       SECTION 1. To provide for a program of transportation development and improvements,  
2 the sums set forth in sections 2 to 2C, inclusive, for the several purposes and subject to the  
3 conditions specified in this act, are hereby made available, subject to the laws regulating the  
4 disbursement of public funds. The sums appropriated in this act shall be in addition to any  
5 amounts previously appropriated and made available for these purposes.

6       SECTION 2.

7                   MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

8                               Highway Division

9       6121-1215 For projects on the interstate federal aid highway system; provided, that funds  
10 may be expended for the costs of these projects including, but not limited to, the nonparticipating  
11 portions of these projects and the costs of engineering and other services essential to these  
12 projects, rendered by Massachusetts Department of Transportation employees or by consultants;  
13 provided further, that amounts expended for department employees may include the salary and  
14 salary-related expenses of these employees to the extent that they work on or in support of these

15 projects; provided, however, that the secretary of transportation shall maximize efforts to utilize  
16 all available means to minimize use of capital funds to pay for salaries of department employees;  
17 provided further, that notwithstanding this act or any other general or special law to the contrary,  
18 the department shall not enter into any obligations for projects which are eligible to receive  
19 federal funds under this act unless state matching funds exist which have been specifically  
20 authorized and are sufficient to fully fund the corresponding state portion of the federal  
21 commitment to fund these obligations; and provided further, that the department shall only enter  
22 into obligations for projects under this act based upon a prior or anticipated future commitment  
23 of federal funds and the availability of corresponding state funding authorized and appropriated  
24 for this use by the general court for the class and category of project for which this obligation  
25 applies.....\$225,000,000

26       6121-1216 For federal aid projects on the non-interstate federal highway system;  
27 provided, that funds may be expended for the costs of these projects including, but not limited to,  
28 the nonparticipating portions of these projects and the costs of engineering and other services  
29 essential to these projects rendered by Massachusetts Department of Transportation employees  
30 or by consultants; provided further, that amounts expended for department employees may  
31 include the salary and salary-related expenses of these employees to the extent that they work on  
32 or in support of these projects; provided, however, that the secretary of transportation shall  
33 maximize efforts to utilize all available means to minimize use of capital funds to pay for salaries  
34 of department employees; provided further, that notwithstanding this act or any other general or  
35 special law to the contrary, the department shall not enter into any obligations for projects which  
36 are eligible to receive federal funds under this act unless state matching funds exist which have  
37 been specifically authorized and are sufficient to fully fund the corresponding state portion of the

38 federal commitment to fund these obligations; and provided further, that the department shall  
39 only enter into obligations for projects under this act based upon a prior or anticipated future  
40 commitment of federal funds and the availability of corresponding state funding authorized and  
41 appropriated for this use by the general court for the class and category of project for which this  
42 obligation applies.....\$525,000,000

43 SECTION 2A.

44 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

45 Highway Division

46 6121-1217 For the design, construction and repair of, or improvements to, non-federally-  
47 aided roadway and bridge projects and for the nonparticipating portion of federally-aided  
48 projects; provided, that the costs of professional personnel directly and exclusively involved in  
49 the construction, planning, engineering and design of the projects funded herein may be charged  
50 to this item, and any other associated costs; provided further, that those costs shall not be  
51 classified as administrative costs; provided further, that not less than \$200,000 shall be expended  
52 for a project to increase access to the Mansfield railroad station commuter parking lots in the  
53 town of Mansfield; provided further, that not less than \$1,000,000 shall be expended for the  
54 planning, engineering, design or construction of projects to mitigate the impact of the at-grade  
55 rail crossing including the impact on the delivery of emergency municipal services, including,  
56 police and fire services, in the town of Ashland; provided further, that \$500,000 shall be  
57 expended for the right of way acquisition, planning, design or construction of the Assabet River  
58 rail trail; provided further, that not less than \$1,600,000 shall be expended for the replacement of  
59 culverts and the repair of Sword street in the town of Auburn; provided further, that \$500,000

60 shall be expended for signalization improvements at East Spring street, East Main street (route  
61 28), and West Spring street in the town of Avon; provided further, that said signalization  
62 improvements shall be coordinated with the lights at the intersection of Harrison boulevard and  
63 East Main street (route 28) in the town of Avon; provided further, that not less than \$3,500,000  
64 shall be expended for the design, engineering and construction of the reconfiguration of the  
65 Belmont rotary in the town of Bourne; provided further, that not less than \$1,600,000 shall be  
66 expended for the reconstruction of Black Brook road in the town of Savoy; provided further, that  
67 not less than \$2,700,000 shall be expended to complete phase 2 of the Blue Hills parkway project  
68 in the town of Milton; provided further, that not less than \$750,000 shall be expended for the  
69 resurfacing of Bolyston street in the town of Shrewsbury; provided further, that \$500,000 shall  
70 be expended for design and improvements at the intersections of Boston avenue with route 16 in  
71 the city of Somerville, Boston avenue and Winthrop street in the city of Medford, and pedestrian  
72 safety improvements on Winthrop street between Boston avenue and route 16 in the city of  
73 Medford; provided further, that \$1,500,000 shall be expended for the design, construction, repair  
74 and improvements of the so-called Brimbal avenue interchange improvement project located at  
75 or near exit 19 in the city of Beverly and identified as MassHighway Project file no. 604369;  
76 provided further, that \$1,500,000 shall be expended for the design and resurfacing of Brimfield  
77 road from the Brimfield/Holland town line to the intersection of Stafford street in the town of  
78 Holland; provided further, that \$200,000 shall be expended for the design of the Bruce Freeman  
79 rail trail construction, phase 2B, in the towns of Acton and Concord; provided further, that not  
80 more than \$1,000,000 shall be expended for a study of traffic issues and alternatives in the Canal  
81 area in the town of Bourne; provided further, that not less than \$450,000 shall be expended for  
82 improvements to the roadway, pedestrian crossings, sidewalks and park entrances on Charles

83 River road in the town of Watertown, conditioned on matching commitments of not less than  
84 \$750,000 of additional funding from other public or private sources for improvement of the  
85 adjoining parklands; provided further, that not less than \$900,000 shall be expended for drainage  
86 improvements, roadway restoration, reconstruction of sidewalks and intersection reconstruction  
87 at the intersections of Chestnut and Elm streets, as well as, Chestnut street and route 1 in the  
88 town of North Attleborough; provided further, that no less than \$250,000 shall be expended for  
89 the town of Northborough for the permitting, engineering and replacement of the stone box  
90 culvert under Church street at Cold Harbor brook; provided further, that not less than \$75,000  
91 shall be expended for repairs to the Civil War Memorial bridge in the town of Abington;  
92 provided further, that not less than \$950,000 shall be provided for planning, design and  
93 construction of signalization upgrades at the intersection of Morton street and Gallivan boulevard  
94 in the Mattapan section of the city of Boston; provided further, that not less than \$2,300,000  
95 shall be expended for construction on Route 140 between the Sterling town line and East  
96 Princeton Village; provided further, that no less than \$1,500,000 shall be expended for pavement  
97 reconstruction, curbing and a new sidewalk from Laurel street to Dwight street in the town of  
98 Longmeadow; provided further, that not less than \$1,000,000 shall be expended for maintenance  
99 and improvements to the intersection of route 1, route 109, the VFW parkway and Spring street  
100 in the West Roxbury section of the city of Boston and the town of Dedham; provided further,  
101 that not less than \$400,000 shall be expended for the reconstruction and signalization design  
102 cost of the intersection of Washington street, Prospect street and Fulton street in the town of  
103 Norwood; provided further, that \$75,000 shall be expended for pedestrian safety improvements  
104 on route 16 in the vicinity of Dilboy Stadium in the city of Somerville; provided further, that not  
105 less than \$1,000,000 shall be expended for the replacement or repair of the Rawson street bridge

106 in the town of Leicester; provided further, that not less than \$3,000,000 shall be expended for the  
107 construction of a parking deck in the city of Westfield; provided further, that funds shall be  
108 expended for the design and reconstruction of route 106 from Whitman street to the Halifax town  
109 line; provided further, that not more than \$500,000 shall be expended to improve safety with  
110 signalization, new geometry and related work on Elm street at Westfield street in town of West  
111 Springfield; provided further, that not less than \$950,000 shall be expended for design and  
112 construction of reconfigured Jamaica way off-ramp at Pond avenue, and reconstruction of a  
113 portion of River road in the town of Brookline; provided further, that \$2,200,000 shall be  
114 expended for the design and construction of the Essex coastal scenic byway connecting certain  
115 municipalities including, but not limited to, Lynn, Swampscott, Marblehead, Salem, Beverly,  
116 Manchester-by-the-Sea, Gloucester, Rockport, Essex, Ipswich, Rowley, Newbury and  
117 Newburyport; provided further, that funds shall be expended for surface and utility  
118 enhancements in the Everett avenue urban renewal district in the city of Chelsea; provided  
119 further, that funds shall be expended for the design and reconstruction of Ferry and Elm streets in  
120 the city of Everett and shall include sidewalks and upgraded crosswalks; provided further, that  
121 not less than \$1,000,000 shall be used for the planning, engineering, design, or construction of  
122 projects to mitigate the impact of the at-grade rail crossing at the intersection of route 126 and  
123 route 135 in the town of Framingham; provided further, that \$475,000 shall be expended for the  
124 Highlands infrastructure improvements in the city of Melrose; provided further, that \$2,287,500  
125 shall be expended for the Winthrop street corridor project in the town of Winthrop; provided  
126 further, that \$475,000 shall be expended for the Walk Winthrop initiative in the town of  
127 Winthrop; provided further, that \$775,000 shall be expended for the construction of a municipal  
128 parking lot on Front street in the town of Winchendon; provided further, that \$150,000 shall be



129 expended for the design and installation of a panelized bridge on Glen Valley road in the town of  
130 Petersham; provided further, that \$100,000 shall be expended on design and improvements  
131 along Gray street in the town of Arlington; provided further, that \$100,000 shall be expended for  
132 the planning and installation of a traffic signal at the intersection of state highway route 16 and  
133 Hartford avenue in the town of Mendon; provided further, that \$1,000,000 shall be expended for  
134 the design and reconstruction of Haynes Hill road and Paige Hill road in the town of Brimfield;  
135 provided further, that the department, while authorized to expend up to \$300,000, shall retain an  
136 independent, third-party, nationally recognized consultant in hazmat transportation routing risk  
137 analysis to conduct a regional hazardous materials routing analysis which: (i) addresses the safe  
138 and efficient transportation of hazardous materials through and around the greater metropolitan  
139 Boston area; (ii) addresses the public safety capabilities, environmental considerations and  
140 infrastructure capacity of impacted communities ; and (iii) makes recommendations for  
141 improving the transportation of hazardous materials while safeguarding impacted communities;  
142 provided further, that not less than \$150,000 shall be expended for design, planning and  
143 improvements of High street in the town of Bridgewater; provided further, that \$3,500,000 shall  
144 be expended for the reconstruction of Humphrey street and Salem street in the town of  
145 Swampscott; provided further, that not less than \$1,000,000 shall be expended for design,  
146 construction and engineering cost of a bike and pedestrian path along the hurricane barrier in the  
147 city of New Bedford; provided further, that not less than \$500,000 shall be expended for the  
148 design, engineering and construction of a bike and pedestrian access way, including, but not  
149 limited to, any necessary bridge, to Palmer Island in the city of New Bedford; provided further,  
150 not less than \$3,000,000 shall be expended for storm water and drainage improvements in the  
151 Meadows area along the interstate 91 corridor to the Northampton Airport in the city of

152 Northampton; provided further, that not less than \$1,000,000 shall be expended to lengthen the  
153 acceleration and deceleration lanes at route 6, exits 3 and 4, both eastbound and westbound, in  
154 the town of Sandwich; provided further, that \$2,000,000 shall be expended for environmental  
155 reviews for the interstate highway route 93 interchange project in the towns of Andover,  
156 Tewksbury and Wilmington; provided further, that not less than \$4,000,000 shall be expended to  
157 improve the John F. Kennedy memorial highway in the city of New Bedford and intersecting  
158 streets, including car and pedestrian access between the New Bedford waterfront and the  
159 Downtown Historic Arts and Cultural District; provided further, that \$70,000 shall be expended  
160 for the reconstruction of sidewalks on Main street in the town of Charlton; provided further, that  
161 \$675,000 shall be expended to complete the construction of the Northern Strand community trail,  
162 bike to the sea trail, located; in the city of Malden; provided further, that not less than \$1,000,000  
163 shall be expended for improvements to the Massachusetts Central rail trail along the corridor  
164 extending through the towns of Wayland and Weston; provided further, that not less than  
165 \$3,000,000 shall be expended for the construction of a bridge over the Massachusetts Bay  
166 Transportation Authority railroad right of way on Main street at the intersection of Boardman  
167 street in the town of Norfolk on the condition that the town of Norfolk agrees to pay \$2,000,000,  
168 to be deposited into the General Fund, in equal payments each year for 20 years commencing in  
169 fiscal year 2018, to reimburse the cost of the bridge construction; provided further, that  
170 \$1,500,000 shall be expended for the replacement of the water main on Mechanic street in the  
171 town of Barre; provided further, that not less than \$3,500,000 shall be expended for the redesign  
172 and construction of Melnea Cass boulevard in the city of Boston; provided further, that not less  
173 than \$653,750 shall be expended for improvements for Granby road to Dale street in the town of  
174 Chicopee; provided further, that \$400,000 shall be expended for improvements in the municipal

175 parking facilities in the town of Arlington; provided further, that \$2,000,000 shall be expended  
176 for the reconstruction and signalization improvements of Nashua road from Forest avenue to Oak  
177 terrace in the town of Dracut; provided further, that \$300,000 shall be expended to reconstruct  
178 North avenue in the town of Mendon and provide signalization at the intersection of North  
179 avenue and Hastings street; provided further, that \$528,000 shall be expended for the  
180 replacement of sewer and drainage lines and for the reconstruction of North Vine street in the  
181 town of Winchendon; provided further, that the department of transportation may expend not  
182 more than \$5,000,000 on the installation of sound barriers on interstate 93 adjacent to the  
183 Nunnery Grounds neighborhood, so called, located between Cross street. and Mt. Vernon street  
184 in the city of Somerville; provided further, that not less than \$1,000,000 shall be expended for  
185 drainage system repairs, slope stabilization and Norwottuck rail trail abutment stabilization at  
186 Old Water street in the city of Northampton; provided further, that not more than \$1,900,000  
187 shall be expended for the repair and reconstruction of the Oyster Harbor bridge that carries  
188 Bridge street over the channel connecting West Bay and North Bay in the village of Osterville in  
189 the town of Barnstable; provided further, that not less than \$500,000 shall be expended for the  
190 planning, design and construction of parallel parking along Columbia Road from I street to  
191 Preble circle in the South Boston section of the city of Boston; provided further, that not less  
192 than \$3,000,000 shall be expended for the implementation of the wayfinder system in the city of  
193 Worcester; provided further, that not less than \$2,000,000 shall be expended for water, sewer,  
194 roadway and sidewalk improvements on Pine street and sidewalk improvements along North  
195 Pleasant street in the town of Amherst; provided further, that not less than \$5,100,000 shall be  
196 expended for the reconstruction of roads, sidewalks, drainage and paving of Taylor avenue in the  
197 town of Plymouth; provided further, that not less than \$50,000 shall be expended for the design

198 of opticom traffic lights at the Seekonk public safety complex on route 44 and opticon traffic  
199 lights at the intersection of route 44 and Arcade avenue in the town of Seekonk; provided further,  
200 that not less than \$1,000,000 shall be expended for site work, construction and implementation  
201 of a traffic light and subsequent road work to state highway route 53 and Pleasant street in the  
202 town of Pembroke; provided further, that \$750,000 shall be expended for the planning, design  
203 and construction of the lower, double barrel culverts of the Quequechan River under the  
204 Massachusetts Bay Transportation Authority railroad right of way at Battleship Cove in the city  
205 of Fall River; provided further, that \$2,200,000 shall be expended for the design and  
206 reconstruction of Ravine and Hardwick roads in the town of New Braintree; provided further,  
207 that \$4,000,000 shall be expended for the full depth reconstruction of West street from the  
208 Woburn city line to the intersection of Longwood road and West street, including roadway work  
209 along the various side streets within that expanse, and for the installation of new granite curbing,  
210 ADA accessible sidewalks, improvements to the drainage system, installation of new pavement  
211 markings and signs, and fully actuated traffic signals along this stretch in the town of Reading;  
212 provided further, that not less than \$250,000 shall be expended for the city of Marlborough for  
213 the design and right-of-way costs for roadway and sidewalk reconstruction of Maple street (route  
214 85) from the Southborough town line to John street, in the city of Marlborough; provided further,  
215 that not less than \$3,850,000 shall be expended for the design and reconstruction of the  
216 intersection of Crescent street, route 27, Quincy street and Massasoit boulevard in the city of  
217 Brockton; provided further, that funds shall be expended for resurfacing associated with the  
218 Main Street/Davis Straits water main replacement project in the town of Falmouth; provided  
219 further, that not less than \$1,500,000 shall be expended for the reconstruction of the Tiffany  
220 street intersection in the city of Attleboro; provided further, that not less than \$300,000 shall be

221 expended for the town of Berkley for permitting, engineering, total replacement and for the  
222 prevention of future deterioration and total collapse due to chronic flooding of the Bayview road  
223 and culvert at Bayview avenue and Shore road, in the town of Berkley; provided further, that not  
224 less than \$2,000,000 shall be expended for roadway, curbing and sidewalk improvements on  
225 Main street from route 130 to route 6A and on Jarves street from Main street to route 6A in the  
226 town of Sandwich; provided further, that not less than \$1,500,000 shall be expended for the  
227 resurfacing of route 3A in the town of Kingston; provided further, that not less than \$800,000  
228 shall be expended for the resurfacing or reconstruction, including minor drainage improvements  
229 of route 123 in the town of Norwell; provided further, that not less than \$2,700,000 shall be  
230 expended for the reconstruction of the route 147 bridge over the Westfield river and associated  
231 intersection improvements in the town of Agawam; provided further, that not less than \$25,000  
232 shall be expended for route 28 safety improvements in the town of Barnstable; provided further,  
233 that \$2,500,000 shall be expended for the reconstruction and improvement of Main street/route  
234 38 from Old Boston road to Livingston street in the town of Tewksbury; provided further, that  
235 not less than \$5,000,000 shall be expended on the route 3A project in the city known as the town  
236 of Weymouth at the base of the Fore River bridge extending southward to the intersection of  
237 Green street, Bridge street, and Neck street for the grading and paving of roadways, as well as,  
238 construction and repair of sidewalks as to conform to ADA standards, placement of light fixtures  
239 and ground mounted electronic signs to indicate bridge openings and current traffic conditions,  
240 and for the installation of below grade utilities, and the planting of trees and landscaping along  
241 the roadway; provided further, that not less than \$600,000 be expended for design and  
242 construction of route 140 between Mile Hill road and Gatehouse road in the town of  
243 Westminster; provided further, that not less than \$4,025,000 shall be expended for the planning,

244 design, construction and any other associated costs for drainage improvements along route 9  
245 adjacent to Boulder brook and Morses pond in the town of Wellesley; provided further, that not  
246 less than \$2,000,000 shall be expended for the planning, design, construction and rehabilitation  
247 of sidewalks on route 127 and route 133 in the city of Gloucester, and for sidewalk  
248 improvements around the city's elementary schools and on Railroad avenue leading to and from  
249 the train station in the city of Gloucester; provided further, that not less than \$820,000 shall be  
250 expended for safety improvements by installing geometric improvements and full traffic  
251 signalization at the intersection of Glen road, Wildwood street and Middlesex avenue (route 62)  
252 in the town of Wilmington; provided further, that not less than \$500,000 shall be expended for a  
253 multi-use path or sidewalk along Sandy Neck road from route 6A to the existing sidewalk at the  
254 town line in the town of Sandwich; provided further, that not less than \$200,000 shall be  
255 expended for the purpose of completing work undertaken by the Mass Department of  
256 Transportation in constructing the Sea street bridge between the towns of Marshfield and  
257 Scituate; provided further, that not less than \$200,000 shall be expended for sidewalk repairs  
258 along route 3A Northbound in the town of East Chelmsford, near the city of Lowell line,  
259 including installation of a raised curb and sidewalk repaving; provided further, that not less than  
260 \$3,500,000 shall be expended for the reconstruction of sidewalks from intersection of Granite  
261 avenue and Gallivan boulevard, along Gallivan and Morrissey boulevards to 100 Morrissey  
262 boulevard at the University of Massachusetts at Boston in the Dorchester section of the city of  
263 Boston including sidewalk erosion remediation along Morrissey boulevard boatramp beach;  
264 provided further, that not less than \$1,000,000 shall be expended for multi-use path or sidewalk  
265 from canal access road off Freezer road, where Marina path will end, to Main street in the town  
266 of Sandwich; provided further, that not less than \$800,000 shall be expended for construction for

267 a bicycle path with lighting and related streetscape amenities for the Slade's Ferry Landing  
268 redevelopment project located in the town of Somerset; provided further, that not less than  
269 \$7,000,000 shall be provided for the design, reconstruction and safety improvements to  
270 Riverside road, Plainfield street, Fisk avenue, Birnie avenue and West street in the city of  
271 Springfield; provided further, that up to \$400,000 shall be expended for a planning study of  
272 current and proposed Massachusetts Turnpike entrance and exit ramps in the Back Bay and  
273 Fenway sections of in the city of Boston, which study shall include an evaluation of changes to  
274 or demolition of some or all of the Bowker Overpass; provided further, that funds shall be  
275 expended for the redesign and reconfiguration of Rutherford avenue and Sullivan Square in the  
276 Charlestown section of the city of Boston; provided further, that not less than \$450,000 shall be  
277 expended for the remaining design plan for the Summer street improvement project located in  
278 the cities of Fitchburg, Leominster and Lunenburg; provided further, that funds shall be  
279 expended for the reconstruction, renovation and improvement of the tourist information center  
280 and sanitary facility at the Swansea visitor's center on interstate 195 in the town of Swansea  
281 including, but not limited to, new building construction, light and safety projects, installation of  
282 water lines, landscaping, fencing and sign installation; provided further, that when the  
283 department upgrades sanitary facilities, it does so in such a way as to enhance the environment  
284 by utilizing zero pollution discharge technologies including recycling greywater systems;  
285 provided further, that \$800,000 shall be expended for design, construction, right-of-way  
286 assembly and related project costs for transportation improvements to support the Tanner street  
287 redevelopment plan in the city of Lowell; provided further, that notwithstanding chapter 82 of  
288 the Acts of 1997, or any other general law or special law to the contrary, the town of Milton may  
289 make improvements, alterations or renovations to a certain parcel of land in the town of Milton,

290 consisting of the overpass spanning interstate 93 in East Milton Square; provided, however, that  
291 no such improvements, alterations or renovations shall result in less than 40 per cent of said  
292 parcel remaining recreational, open or green space; provided further, that not less than  
293 \$1,000,000 shall be expended to reimburse the town of Milton for planning, design and  
294 construction costs associated with such improvements, alterations or renovations to the parcel;  
295 provided further, that not less than \$2,100,000 shall be expended for the planning, design,  
296 construction and any other associated costs for transportation improvements at the intersection of  
297 route 30, South avenue and Wellesley street in the town of Weston; provided further, that  
298 \$408,000 shall be expended for the stabilization and reconstruction of the retaining walls and  
299 revetments at the water-sheet and subsequent milling and repaving of the landside area at Tudor  
300 Wharf in the town of Nahant; provided further, that \$250,000 shall be expended for the study  
301 and design of a new bridge spanning the Merrimack River in the town of Tyngsborough;  
302 provided further, that not more than \$100,000 shall be expended for the design, permitting,  
303 construction and right-of-way acquisition for phase I of the Veterans Memorial drive alternate  
304 route project in the town of Milford; provided further, that \$1,600,000 shall be expended for the  
305 design and construction of the Ware River Valley rail trail from the Ware River to the  
306 Gilbertville covered bridge in the town of Ware; provided further, that not less than \$750,000  
307 shall be expended for the reconstruction of Washington Mountain road in the towns of Dalton,  
308 Becket and Washington; provided further, that not less than \$2,000,000 shall be expended for the  
309 design and reconstruction of the West street bridge in the town of Ludlow; provided further, that  
310 not less than \$400,000 shall be expended for traffic signals on route 109 in the town Westwood;  
311 provided further, that \$250,000 shall be expended for improvement designs to the intersection at  
312 Williams street and the Gordon Owen Riverway in the city of Taunton; provided further, that not



313 less than \$2,000,000 shall be expended for the demolition and replacement of the Woodlawn  
314 avenue railroad bridge in the city of Pittsfield so that the project is completed before the end of  
315 calendar year 2013; provided further, that funds may be expended for road, sidewalk and lighting  
316 improvements and plantings along the Truman parkway in the town of Milton; provided further,  
317 that not less than \$2,000,000 shall be expended for the state share of the final design, land  
318 acquisition and construction of phases 2, 3, 4 and 5 of the Blackstone River Greenway bikeway;  
319 and provided further, that not less than \$2,000,000 shall be expended for the construction of a  
320 new parking garage owned and operated by the Plymouth growth and development corporation  
321 in the town of Plymouth; provided further, that funds shall be expended on the design and  
322 reconstruction of the route 53, Howard street, East Howard street intersection in the city of  
323 Quincy; provided further. that funds shall be expended on the design, removal and replacement  
324 of the Studley Pond Dam along route 123 in the town of Rockland ; provided further. that not  
325 less than \$400,000 shall be expended for the construction of a sidewalk starting 500 feet south of  
326 Winneberg Road on the east side of route 114 and proceeding in a northerly direction for a total  
327 of 2,000 feet in the town of Middleton; and provided, further, that the amounts specified in this  
328 item or for a particular project may be adjusted in order to facilitate other projects relating to the  
329 design, construction, repair of or improvement to, non-federally-aided roadway and bridge  
330 projects.....\$325,000.000

331 SECTION 2B.

332 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

333 Rail and Transit Division

334           6622-1205 For the purposes of chapter 161B of the General Laws, including the purchase  
335 and rehabilitation of rolling stock, related assets and support equipment necessary to safely serve  
336 transit passengers, construction and rehabilitation of regional transit authority operations and  
337 passenger facilities, and purchase of related appurtenances and tools.....\$11,000,000

338           SECTION 2C.

339           MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

340                               Rail and Transit Division

341           6622-1280 For the purpose of implementing rail improvements under chapter 161C of the  
342 General Laws; provided, that funds may also be used for transportation planning, design,  
343 permitting, acquisition of interests in land and engineering for heavy rail, light rail, bus and other  
344 transit projects, including the industrial rail access program; provided, however, the department  
345 shall adopt regulations within 180 days of the effective date of this act implementing the  
346 industrial rail access program, which shall increase access to rail freight service and preserve or  
347 stimulate economic development through the generation of new or expanded rail service;  
348 provided further, that the secretary of transportation shall have the responsibility for evaluating  
349 and selecting eligible projects, in consultation with the secretary of housing and economic  
350 development, where the public benefit will be gained through improved use of the rail  
351 transportation network or that will facilitate economic growth through access to the rail assets  
352 within the commonwealth; provided further, that the program shall be available to any political  
353 subdivision, railroad or shipper operating within the commonwealth; provided further, that  
354 \$1,500,000 shall be expended for the completion of work at the Blossom street extension and for  
355 a 1 time purchase of a commuter water shuttle for operation of the Lynn-Boston commuter ferry

356 line in the city of Lynn; provided further, that \$6,000,000 shall be expended for planning, design,  
357 relocation, construction and enhancement of the inbound and outbound station platforms of the  
358 Massachusetts Bay Transportation Authority Green Line B branch stations at the intersection of  
359 Wallingford road and Commonwealth avenue and the Washington street platform at the  
360 intersection of Washington street and Commonwealth avenue in the city of Boston, and  
361 planning, design, relocation, construction and enhancement of a center, side platform station of  
362 the Green Line B branch station located at the intersection of Lake street and Commonwealth  
363 avenue in the city of Boston; provided further, that not less than \$2,000,000 shall be expended  
364 for the construction of a passenger rail platform, for the knowledge corridor passenger rail  
365 project, in the city of Holyoke; provided further, that not less than \$1,500,000 shall be used for  
366 the planning, engineering, design or construction of a facility for the operations, maintenance and  
367 demand respond dispatch of the MetroWest Regional Transit Authority; provided further, that no  
368 less than \$50,000 shall be expended for the city of Newton's conversion of the abandoned,  
369 Massachusetts Bay Transportation Authority controlled rail line parallel to Needham street in the  
370 city of Newton to a linear park, with potential future conversion to a green-line extension;  
371 provided further, that nothing contained in the foregoing shall be interpreted to prohibit the  
372 Massachusetts Bay Transportation Authority from retaining an easement to operate and maintain  
373 any aspect of the station right-of-way, platforms and the bike racks and public waiting area under  
374 the roof overhangs, nor shall the town of Stoughton or any subsequent purchaser or lessee be  
375 relieved of any historical covenants on the property; provided further, that not less than \$25,000  
376 be expended to study improved pedestrian and bike access at and around the Wachusett  
377 commuter rail station; provided further, that not more than \$4,000,000 shall be provided for the  
378 design and construction of the Springfield union intermodal station project, so-called, in the city

379 of Springfield; and provided further, that \$2,000,000 shall be expended for the South Terminal  
380 Rail Extension in the city of New Bedford; and provided further, that the amounts specified in  
381 this item or for a particular project may be adjusted in order to facilitate other projects  
382 implementing rail improvements under chapter 161C of the General Laws.....\$300,000,000

383         SECTION 3. Section 2 of chapter 6C of the General Laws, as appearing in the 2010  
384 Official Edition, is hereby amended by adding the following subsection:-

385         (k) The board shall adopt a written policy providing for the delegation in writing of any  
386 of its powers and duties under this section and section 3; provided, however, that the policy shall  
387 include a requirement that the board shall only review contracts valued at \$15,000,000 or more.

388         SECTION 3A. Chapter 6C of the General Laws is hereby amended by adding the  
389 following section:-

390         Section 74. Notwithstanding any general or special law to the contrary, the department  
391 shall not enter into, renew or renegotiate any contract providing for fuel services on service  
392 stations on the turnpike without the contract requiring the fuel provider to provide for the  
393 consumption of alternative fuel, as defined in section 1 of chapter 90.

394         SECTION 3B. Chapter 85 of the General Laws is hereby amended by adding the  
395 following section:-

396         Section 37. Notwithstanding any general or special law to the contrary, any provision,  
397 clause, covenant or agreement contained in a motor carrier transportation contract that purports  
398 to indemnify, defend or hold harmless, or has the effect of indemnifying, defending or holding  
399 harmless, an indemnitee from or against any liability for loss or damage resulting from such

400 indemnitee's negligence or intentional acts or omissions shall be void and unenforceable. For the  
401 purposes of this section, "motor carrier transportation contract" shall mean a contract, agreement  
402 or understanding entered into, renewed, modified or extended on or after July 1, 2012,  
403 concerning (i) the transportation of property for compensation or hire; (ii) the entry on public or  
404 private property for the purpose of loading, unloading or transporting property for compensation  
405 or hire; or (iii) a service incidental to the activities under clauses (i) and (ii); provided further,  
406 that "motor carrier transportation contract" shall not include the Uniform Intermodal Interchange  
407 and Facilities Access Agreement administered by the Intermodal Association of North America  
408 or other agreements providing for the interchange, use or possession of intermodal chassis or  
409 containers or other intermodal equipment.

410       SECTION 3C. Chapter 161A of the General Laws is hereby amended by striking out  
411 section 7, as appearing in the 2010 Official Edition, and inserting in place thereof the following  
412 section:-

413       Section 7. The authority shall be governed and its corporate powers exercised by the  
414 board of directors of the Massachusetts Department of Transportation established under chapter  
415 6C.

416       SECTION 3D. Item 7004-0097 of section 2E of chapter 122 of the acts of 2006 is hereby  
417 amended by striking out the words "provided further, that not less than \$2,000,000 is to be  
418 appropriated to the City of Boston for a demonstration project to attempt to increase groundwater  
419 levels in a section of the City adjacent to the Southwest Corridor, with all phases of the design  
420 and implementation of the project to be overseen by the Boston Groundwater Trust; provided  
421 further, that such funds are to be expended with the advance agreement of the Boston

422 Groundwater Trust and in consultation with, among others, the Massachusetts Bay  
423 Transportation Authority; provided further, that in undertaking management of the  
424 demonstration project, neither the City of Boston nor the Boston Groundwater Trust assume any  
425 liability for the cause of the low groundwater levels in this area, and nor does the success or  
426 failure of the project change any potentially responsible party's accountability for the creation of  
427 the low groundwater problem", inserted by section 12 of chapter 192 of the acts of 2006, and  
428 inserting in place thereof the following words:- provided further, that not less than \$2,000,000  
429 shall be appropriated to the Massachusetts Bay Transportation Authority for a demonstration  
430 project to increase groundwater levels in a section of the city of Boston adjacent to the Southwest  
431 Corridor, with all phases of the design and implementation of the project to be conducted in  
432 consultation with the executive office energy and environmental affairs, the city of Boston and  
433 the Boston Groundwater Trust; provided further, that such funds shall only be expended  
434 following the execution of a memorandum of understanding between the Massachusetts Bay  
435 Transportation Authority, the executive office energy and environmental affairs, the city of  
436 Boston and the Boston Groundwater Trust that details the design and review process of the  
437 demonstration project, the project management process and the consultation process amongst the  
438 parties;

439       SECTION 3E. Section 8 of chapter 306 of the acts of 2008 is hereby amended by  
440 striking out the second paragraph and inserting in place thereof the following 2 paragraphs:-

441       The board of directors shall consist of 21 persons who shall be voting members. The by-  
442 laws shall contain provisions ensuring that as a director's term expires, the board of directors fill  
443 each vacant position, provided that: (i) 1 such director shall be voted from nominees selected by  
444 the state representative representing the third suffolk district for a term of 5 years and 1 such

445 director shall be voted from nominees selected by the state senator representing the first suffolk  
446 and first middlesex district for a term of 5 years; (iii) 2 directors shall be selected by the board  
447 from a list of names provided by the governor; (iv) 2 director shall be selected by the board from  
448 a list of names provided by the mayor of the city of Boston; (v) 1 director shall be selected by the  
449 board from a list of names provided by the secretary of transportation; (vi) 1 director shall be  
450 selected from a list of names provided by the secretary of energy and environmental affairs; (vi)  
451 1 director shall be selected from a list of names provided by the North End/Waterfront  
452 Neighborhood Council; (vii) 1 director shall be selected from a list of names provided by the  
453 Wharf District Council; (viii) 1 director shall be selected from a list of names provided by the  
454 Chinatown Neighborhood Council; (ix) 1 director shall be selected from a list of names provided  
455 by the Leather District Neighborhood Association; (x) the remaining directors shall be selected  
456 for 3 year terms by a majority vote of said board then serving, notwithstanding the 2 term limited  
457 board appointments from May of 2009. Those appointments shall expire and they shall revert to  
458 the North End/Waterfront Residents Association and the Chinatown Residents Association who  
459 shall each respectively submit a list of names for the board to select 1 director from each  
460 organization.

461 All directors and committee members shall serve without compensation. No director or  
462 committee member shall be deemed a public employee or a state, special state, municipal or  
463 special municipal employee or a civil officer by virtue of such position as a director or  
464 committee member. Other provisions relative to tenure, removal, resignation, quorum, meetings,  
465 notices and the like shall be contained in the by-laws, which may be amended, revised and  
466 adopted by the conservancy as it deems appropriate and in a manner not inconsistent with this act  
467 or the agreement.

468       SECTION 3F. Said chapter 306, as amended by chapter 163 of the acts of 2009, is  
469 hereby further amended by inserting, after section 8, the following section:-

470       Section 8A. The board shall make a monthly report to the clerks of the house of  
471 representatives and the senate on the public contributions that the conservancy has received,  
472 expenditures the conservancy has made and the progress of all projects being undertaken by the  
473 conservancy.

474       The board shall annually cause an independent audit to be performed of the public  
475 contributions received by the conservancy and the use of those funds, in accordance with  
476 generally accepted auditing standards. The final audit report shall be filed with the clerks of the  
477 house of representatives and the senate. The board shall also make the final audit report  
478 available publicly on its website.

479       SECTION 3G. Said chapter 306 is hereby further amended by striking out section 9.

480       SECTION 4. Item 2840-7014 of section 2A of chapter 312 of the acts of 2008 is hereby  
481 amended by striking out the words “provided further, that not less than \$5,659,000 shall be  
482 expended for construction of a permanent ice skating rink in Jamaica Plain;” and inserting in  
483 place thereof the following words:- provided further, that not less than \$5,659,000 shall be  
484 expended for construction of a permanent ice skating rink and recreation center in the Jackson  
485 Square section of Roxbury and Jamaica Plain in the city of Boston; provided further that these  
486 funds shall be provided to the developer designated by the city of Boston through the selection  
487 process initiated in July 2004 and following approval of the project through the city of Boston’s  
488 Article 80 process, which approval was granted on June 16, 2011 and documented in the  
489 approved memorandum to the Boston Redevelopment Authority of the same date;



490           SECTION 5. To meet the expenditures necessary in carrying out section 2, the state  
491 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
492 amount to be specified by the governor from time to time but not exceeding, in the  
493 aggregate, \$171,750,000. All bonds issued by the commonwealth shall be designated on their  
494 face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of  
495 years, not exceeding 30 years, as the governor may recommend to the general court under  
496 section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not  
497 later than June 30, 2047. All interest and payments on account of principal on these obligations  
498 shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other  
499 provisions of this act, bonds and interest thereon issued under this section shall be general  
500 obligations of the commonwealth.

501           SECTION 6. To meet the expenditures necessary in carrying out section 2A, the state  
502 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
503 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
504 \$325,000,000. All bonds issued by the commonwealth shall be designated on their face,  
505 Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of  
506 years, not exceeding 30 years, as the governor may recommend to the general court under  
507 section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not  
508 later than June 30, 2047. All interest and payments on account of principal on these obligations  
509 shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other  
510 provisions of this act, bonds and interest thereon issued under this section shall be general  
511 obligations of the commonwealth.

512           SECTION 7. To meet the expenditures necessary in carrying out section 2B, the state  
513 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
514 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
515 \$11,000,000 which shall be in addition to those bonds previously authorized for projects and  
516 programs which are eligible to receive federal funding and which authorizations remain  
517 uncommitted or unobligated on the effective date of this act. All bonds issued by the  
518 commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan  
519 Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the  
520 governor may recommend to the general court under section 3 of Article LXII of the  
521 Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2047.  
522 All interest and payments on account of principal on these obligations shall be payable from the  
523 Commonwealth Transportation Fund. Notwithstanding any other provisions of this act, bonds  
524 and interest thereon issued under this section shall be general obligations of the commonwealth.

525           SECTION 8. To meet the expenditures necessary in carrying out section 2C, the state  
526 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
527 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
528 \$177,500,000 which shall be in addition to those bonds previously authorized for projects and  
529 programs which are eligible to receive federal funding and which authorizations remain  
530 uncommitted or unobligated on the effective date of this act. All bonds issued by the  
531 commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan  
532 Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the  
533 governor may recommend to the general court under section 3 of Article LXII of the  
534 Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2047.

535 All interest and payments on account of principal on these obligations shall be payable from the  
536 Commonwealth Transportation Fund. Notwithstanding any other provision of this act, bonds and  
537 interest thereon issued under this section shall be general obligations of the commonwealth.

538       SECTION 9. Notwithstanding any general or special law to the contrary, in carrying out  
539 sections 2 to 2C, inclusive, and all other sections of this act, the Massachusetts Department of  
540 Transportation may enter into contracts, agreements or transactions that may be appropriate with  
541 other federal, state, local or regional public agencies or authorities. The contracts, agreements or  
542 transactions may relate to such matters as the department shall determine including, but not  
543 limited to, the research, design, layout, construction, reconstruction or management of  
544 construction of all or a portion of these projects. In relation to any such contracts, agreements or  
545 transactions the department may advance monies to these agencies or authorities, without prior  
546 expenditure by the agencies or authorities, and the agencies and authorities may accept monies  
547 necessary to carry out these agreements; provided, however, that the department shall certify to  
548 the comptroller the amounts so advanced; provided further, that these agreements shall contain  
549 provisions satisfactory to the department for the accounting of monies expended by any other  
550 agency or authority; and provided, further, that all monies not expended under any such  
551 agreement shall be credited to the account of the department from which they were advanced.  
552 The department shall report to the house and senate committees on ways and means on any  
553 transfers completed under this section.

554       SECTION 10. (a) Notwithstanding any other general or special law to the contrary, the  
555 Massachusetts Department of Transportation shall expend the sums authorized in section 2A for  
556 the following purposes: projects for the laying out, construction, reconstruction, resurfacing,  
557 relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or

558 facilities, on- and off-street bicycle projects, sidewalks, telecommunications, parking facilities,  
559 auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other  
560 crossings, traffic safety devices on state highways and on roads constructed under clause (b) of  
561 the second paragraph of section 4 of chapter 6C of the General Laws, highway or mass  
562 transportation studies, including, but not limited to, traffic, environmental or parking studies, the  
563 establishment of school zones under section 2 of chapter 85 of the General Laws, improvements  
564 on routes not designated as state highways without assumption of maintenance responsibilities  
565 and projects to alleviate contamination of public and private water supplies caused by the  
566 department's storage and use of snow removal chemicals which are necessary for the purposes of  
567 highway safety and for the relocation of persons or businesses or for the replacement of  
568 dwellings or structures including, but not limited to, providing last resort housing under federal  
569 law and such functional replacement of structures in public ownership as may be necessary for  
570 the foregoing purposes and for relocation benefits to the extent necessary to satisfy the  
571 requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act  
572 of 1970, 42 U.S.C. 4601 et seq., Pub. L. 97-646, 84 Stat. 1864 (1971), and to sell any structure  
573 the title to which has been acquired for highway purposes; provided, however, that  
574 environmental studies conducted under this subsection may include an assessment of both  
575 existing and proposed highway rest stop facilities to determine the cost-effectiveness of sanitary  
576 facilities that utilize zero pollution discharge technologies, including recycling greywater  
577 systems. When dwellings or other structures are removed in furtherance of any of the foregoing  
578 projects, the excavations or cellar holes remaining shall be filled in and brought to grade within 1  
579 month after the removal. In planning projects funded by said section 2A, consideration shall be  
580 made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of

581 bicycles and walking as a means of transportation; provided, however, that nothing in this  
582 section shall be construed to give rise to enforceable legal rights in any party or a cause of action  
583 or an enforceable entitlement as to the projects described in this section.

584 (b) Funds authorized in section 2A shall, except as otherwise specifically provided in this  
585 act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter 718 of the acts  
586 of 1956, if applicable, and, notwithstanding any general or special law to the contrary, may be  
587 used for the purposes stated in this act in conjunction with funds of cities, towns and political  
588 subdivisions.

589 (c) In addition to the foregoing, the Massachusetts Department of Transportation may  
590 expend funds made available by this act to acquire from a person by lease, purchase, eminent  
591 domain under chapter 79 of the General Laws or otherwise, land or rights in land for parking  
592 facilities adjacent to a public way to be operated by the department or under contract with an  
593 individual; expend funds made available by this act for the acquisition of van-type vehicles used  
594 for multi-passenger, commuter-driven carpools and high-occupancy vehicles including, but not  
595 limited to, water shuttles and water taxis; and, under all applicable state and federal laws and  
596 regulations, exercise all powers and do all things necessary and convenient to carry out the  
597 purposes of this act.

598 (d) In carrying out this section, the Massachusetts Department of Transportation may  
599 enter into contracts or agreements with cities to mitigate the effects of projects undertaken under  
600 this act and to undertake additional transportation measures within the city and may enter into  
601 contracts, agreements or transactions with other federal, state, local or regional public agencies,  
602 authorities, nonprofit organizations or political subdivisions that may be necessary to implement

603 these contracts or agreements with cities. Cities and other state, local or regional public agencies,  
604 authorities, nonprofit organizations or political subdivisions may enter into these contracts,  
605 agreements or transactions with the department. In relation to these agreements, the department  
606 may advance to these agencies, organizations or authorities, without prior expenditure by the  
607 agencies, organizations or authorities, monies necessary to carry out these agreements; provided,  
608 however, that the department shall certify to the comptroller the amount so advanced; provided  
609 further, that all monies not expended under these agreements shall be credited to the account of  
610 the department from which they were advanced. The department shall report to the house and  
611 senate committees on ways and means on any transfers completed under this subsection.

612       SECTION 11. Notwithstanding any other general or special law to the contrary, the  
613 Massachusetts Department of Transportation shall take all necessary actions to secure federal  
614 highway or transportation assistance which is or may become available to the department  
615 including, but not limited to, actions authorized under or in compliance with Title 23 of the  
616 United States Code, the Surface Transportation Act of 1987, Pub. L. 100-17, the Intermodal  
617 Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, the Transportation Equity Act  
618 for the 21st Century, Pub. L. 105-178, the Safe, Accountable, Flexible, Efficient Transportation  
619 Equity Act: A Legacy for Users, Pub. L. 109-59, Implementing Recommendations of the 9/11  
620 Commission Act of 2007, Pub. Law 110-53 and any successor acts or reauthorizations of those  
621 acts, and actions such as filing applications for federal assistance, supervising the expenditure of  
622 funds under federal grants or other assistance agreements and making any determinations and  
623 certifications necessary or appropriate to the foregoing. If a federal law, administrative regulation  
624 or practice requires an action relating to federal assistance to be taken by a department, agency or

625 other instrumentality of the commonwealth other than the Massachusetts Department of  
626 Transportation, the other department, agency or instrumentality shall take such action.

627         SECTION 12. Notwithstanding any other general or special law to the contrary, all  
628 construction contracts funded in whole or in part by the funds authorized by this act shall include  
629 a price adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt,  
630 concrete and steel. A base price for each material shall be set by the awarding authority or  
631 agency and included in the bid documents at the time a project is advertised. The awarding  
632 authority or agency shall also identify in the bid documents the price index to be used for each  
633 material or supply. The adjustment clause shall provide for a contract adjustment to be made on a  
634 monthly basis when the monthly cost change exceeds +/- 5 per cent.

635         SECTION 13. Notwithstanding any other general or special law to the contrary, section  
636 61 and sections 62A to 62I, inclusive, of chapter 30 of the General Laws, chapter 91 of the  
637 General Laws and section 40 of chapter 131 of the General Laws shall not apply to bridge  
638 projects of the Massachusetts Department of Transportation and the Massachusetts Bay  
639 Transportation Authority for the repair, reconstruction, replacement or demolition of existing  
640 state highway, authority and municipally-owned bridges, including the immediate approaches  
641 necessary to connect the bridges to the existing adjacent highway and rail system, in which the  
642 design is substantially the functional equivalent of, and in similar alignment to, the structure to  
643 be reconstructed or replaced; provided, however, that said section 61 and said sections 62A to  
644 62I, inclusive, of said chapter 30 shall apply to the repair, reconstruction, replacement or  
645 demolition project where the project requires a mandatory environmental impact report under  
646 301 CMR 11.00; provided further, that all such work shall be subject to the requirements of the  
647 then current edition of the Massachusetts Department of Transportation's Stormwater Handbook

648 as approved by the department of environmental protection under applicable law, that notice  
649 shall be published in the Environmental Monitor of any application to the department of  
650 environmental protection for a water quality certification, and that the work shall be subject to  
651 performance standards prescribed by the department of environmental protection under section  
652 401 of the Federal Clean Water Act if applicable to the project; provided further, that  
653 notwithstanding the foregoing, said section 61 and said sections 62A to 62I, inclusive, of said  
654 chapter 30, said chapter 91 and said section 40 of said chapter 131 shall apply to any portions of  
655 the bridge and roadway approaches to the crossing of the Charles river for the Central  
656 Artery/Tunnel Project. If any state highway, authority or municipal bridge crosses over a railroad  
657 right-of-way or railroad tracks, the department or authority, as applicable, shall seek the opinion  
658 of a railroad company, railway company or its assigns operating on the track of a necessary  
659 clearance between the track and the bridge, but the department and the authority and their agents  
660 or contractors may enter upon any right-of-way, land or premises of a railroad company or  
661 railway company or its assigns for purposes that the department or authority may consider  
662 necessary or convenient to carry out this section. If a flagman is needed to carry out the section,  
663 the railroad company, railway company or its assigns shall provide the flagman, the cost which  
664 shall be borne by the bridge project except in the case of a bridge transferred under chapter 634  
665 of the acts of 1971. For the purposes of this section, "bridge" shall include any structure  
666 spanning and providing passage over water, railroad right-of-way, public or private way, other  
667 vehicular facility or other area. Any project exempted from any law under this section shall be  
668 subject to the public consultation process required by the then current version of the  
669 Massachusetts Department of Transportation's Project Development and Design Guidebook.



670           SECTION 14. Notwithstanding any general or special law to the contrary, the  
671 unexpended balances of all capital accounts which otherwise would revert on June 30, 2012, but  
672 which are necessary to fund obligations during fiscal year 2013, are hereby re-authorized.

673           SECTION 15. Notwithstanding any general law or special law, or rule or regulation to  
674 the contrary, the Massachusetts Department of Transportation shall commission a study to  
675 determine the impact on the public safety of transporting ethanol by train through the cities of  
676 Boston, Revere, Everett, Cambridge and Chelsea. Public safety issues to be studied shall  
677 include, but not be limited to, the proximity to residences, elderly housing complexes, schools,  
678 hospitals, health care facilities and other population and demographic characteristics and  
679 emergency response capabilities. The report shall be completed not later than 6 months after the  
680 effective date of this act, and copies of the report shall be provided to the house and senate  
681 committees on ways and means, the executive office of public safety and security and the  
682 department of environmental protection. The department of environmental protection shall not  
683 issue a license under chapter 91 of the General Laws for the transportation of ethanol through the  
684 cities of Boston, Revere, Everett, Cambridge and Chelsea until it has received the report.

685           SECTION 16. Notwithstanding any general or special law or regulation to the contrary,  
686 the Massachusetts Department of Transportation shall commission a study to determine the  
687 feasibility of constructing sound barriers along route 1 to coincide with future construction of  
688 route 1 or Copeland circle in the town of Revere.

689           SECTION 17. Notwithstanding any general law or special law to the contrary, the  
690 Massachusetts Department of Transportation shall determine if some or all of the state highway

691 yard land located at Granite avenue in the town of Milton is no longer necessary for department  
692 needs, and if so, may transfer that portion deemed unnecessary to the town of Milton.

693       SECTION 18. Notwithstanding and general or special law to the contrary, the  
694 Massachusetts Department of Transportation shall develop standards for reviewing the state of  
695 repair of any bridges that span a public way. At the request of the governing body of a  
696 municipality in which such bridge is located, the department may, based upon such standards,  
697 make maintenance and repair recommendations for any such bridge that has, within the previous  
698 10 year period, been used for the purpose of public safety. The standards shall be finalized not  
699 later than January 1, 2013.

700       SECTION 19. The Massachusetts Bay Transportation Authority shall not sell station  
701 naming rights under any corporate partnership program or otherwise in which the name of the  
702 entity being awarded naming rights comes before the station name. This section shall apply to  
703 the following 11 stations: Airport, Back Bay, Boylston Street, Copley, Downtown Crossing,  
704 Harvard Square, Kendall/MIT, North Station, Park Street, South Station and State.

705       SECTION 20. Notwithstanding any general or special law to the contrary, no funds shall  
706 be disbursed to the Massachusetts Bay Transportation Authority under section 35T of chapter 10  
707 of the General Laws for the extension of services, including, but not limited to, for the addition  
708 of new line service through the creation of a new line, extension of a current line or increasing  
709 the service area of a current line until the authority submits a plan on how the authority will pay  
710 for the proposed expansion and certifies that such expansion shall not adversely affect existing  
711 services. The plan shall be submitted to the clerks of the senate and house of representatives, the

712 joint committee on transportation and the chairs of the senate and house committees on ways and  
713 means.

714         SECTION 21. Notwithstanding any general or special law to the contrary, the  
715 Massachusetts Bay Transportation Authority train station in Hanson on the Kingston/Plymouth  
716 Line shall be designated as the Lt. David C. Hall Train Station, Hanson. There shall be a 1-time  
717 disbursement of funds to be used by the Massachusetts Bay Transportation Authority for the  
718 erection of suitable signs at the station itself; provided however, that the station shall continue to  
719 be abbreviated as the Hanson station on all Massachusetts Department of Transportation  
720 materials.

721         SECTION 22. A special commission is hereby established to consider the circumstances  
722 under which project labor agreements should be utilized in the construction, repair and  
723 improvements to road, bridge and rail in the commonwealth, including, but not limited to,  
724 consideration of their appropriateness and function, the impact of the agreements on the cost of  
725 such road, bridges and rail projects for which they are utilized, and the size, complexity and  
726 duration of the road, bridges and rail projects for which they should be utilized. Said commission  
727 shall consist of 5 members: 1 of whom shall be the secretary of administration and finance or a  
728 designee; 1 of whom shall be the secretary of transportation or a designee; 1 of whom shall be  
729 the secretary of labor and workforce development or a designee; 1 of whom shall be the attorney  
730 general or designee; and 1 of whom shall be the auditor or a designee. The commission shall  
731 hold not less than 1 public hearing. Said commission shall report its findings, together with drafts  
732 of any legislation it recommends, to the joint committee on labor and workforce development  
733 and joint committee on transportation not later than July 1, 2013.

734           SECTION 23. Notwithstanding any general or special law to the contrary, the  
735   Massachusetts Bay Transportation Authority shall convey to the town of Stoughton the  
736   Stoughton Depot Building and underlying land consisting of approximately 6,100 square feet  
737   located at 45 Wyman street in the town of Stoughton, on the Providence/Stoughton commuter  
738   rail line and permanent easements which shall provide the right of access and use of 30 adjacent  
739   parking spaces divided between the area immediately adjacent to the Stoughton Depot Building  
740   on the northwest side and in an area to the northeast of the Stoughton Depot Building, such  
741   parcels more specifically described in the document entitled "Massachusetts Bay Transportation  
742   Authority Through Transit Realty Associates, LLC, MBTA 12470, Invitation to Bid, Sale of  
743   Stoughton Depot Building" dated May 23, 2012; provided, that the conveyance shall be subject  
744   to encumbrances duly recorded.

745           The consideration for the conveyance described herein shall be: (i) the amount invested  
746   by the town of Stoughton and its residents in 1988; and (ii) a commitment by the town of  
747   Stoughton that it shall redevelop the parcel within 18 months of the date of transfer; provided  
748   that such redevelopment may include a sale or lease of the property. If the property described  
749   herein is conveyed to the town of Stoughton and the town fails to redevelop the parcel within 18  
750   months of the date of transfer, the parcel shall revert to the care, custody, management and  
751   control of the Massachusetts Bay Transportation Authority.



## U.S. Department of Housing and Urban Development

MASSACHUSETTS STATE OFFICE, NEW ENGLAND AREA  
Office of Community Planning and Development  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street - Fifth Floor  
Boston, Massachusetts 02222-1092

Bernard Lynch, City Manager  
City of Lowell  
375 Merrimack Street  
Lowell, MA 01852

Dear Mr. Lynch:

SUBJECT: FY 2012 Action Plan Approval Lowell, MA

I am pleased to transmit to you the approval of your Fiscal Year 2013 Action Plan. The grant assistance being approved with the Plan is as follows:

Community Development Block Grant (CDBG) Program	\$2,015,178
HOME Investment Partnerships (HOME) Program	\$603,747
Housing Opportunity for People with AIDS (HOPWA) Program	\$685,108
Emergency Solutions Grant (ESG) Program	\$141,290

The total allocation for the City of Lowell is **\$3,445,323**

Enclosed are the funding approval documents which include the CDBG Funding Approval Agreement (HUD 7082) and addendum, the Funding Approval and the HOME Investment Partnership Agreement (HUD 40093), the HOPWA Funding Approval Agreement, and the ESG Funding Approval Agreement. These documents constitute the contract between the Department of Housing and Urban Development (HUD) and the City of Lowell.

Please sign all three copies of each agreement. Retain one copy for your records and return the other two copies to the address below within 5 days. Failure to execute and return the grant agreement(s) within 30 days of the date of this letter may be deemed rejection of the grant and cause for HUD to determine that the funds are available for reallocation to other grantees.

Please mail the grant agreement(s) to:

Community Planning & Development, Room 535  
10 Causeway Street  
Boston, MA 02222

Please be reminded that before committing HUD assistance to any activity or project you must complete an environmental review per 24 CFR Part 58. Specifically, 24 CFR §58.22(a) states that neither a recipient nor any participant in the development process may commit HUD assistance on an activity or project until HUD or the state has approved the recipient's Request for Release of Funds (RROF) and the related certification from the responsible entity. Additionally, until the RROF is approved and

notification of the release of funds is received, non-HUD funds may not be committed, nor may any activities or projects be undertaken, if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives. If the project or activity is exempt per §58.34 or categorically excluded (except in extraordinary circumstances) per §58.35(b), no request for release of funds (RROF) is required, but such determination must be documented in the environmental review record before committing HUD or non-HUD funds.

We look forward to working with you during the year to accomplish the goals you have set forth for the City and to further refine and improve the Consolidated Plan development process. In the meantime, if you have any questions or desire assistance concerning this letter or other items related to the community development programs, please contact Adam Ploetz, Community Planning & Development Representative at 617.994.8351 or [adam.c.ploetz@HUD.gov](mailto:adam.c.ploetz@HUD.gov)

Sincerely,



Robert Shumeyko  
Director

Enclosures

cc: Allison Lamey

## Appendix D

### Letters of Support

January 8, 2014

Environmental Management Support, Inc  
Attn: Mr. Don West  
8601 Georgia Avenue, Suite 500  
Silver Spring, MD 20910  
Phone: 301-589-5318



161 Jackson Street  
Lowell, MA 01852  
978-937-9700  
[www.lchealth.org](http://www.lchealth.org)

Dear Mr. West,

It is my pleasure to write a letter of support for the City of Lowell's application to the U.S. Environmental Protection Agency (EPA) for a Brownfields Assessment Grant.

Lowell Community Health Center is a diverse, community-based health care agency with non-profit 501(c)(3) status. The Health Center specializes in primary care medicine, OB/GYN, women's health, traditional Asian medicine, diabetes management, asthma management, adolescent health and behavioral health. Our mission is to provide caring, quality and culturally competent health services to the people of Greater Lowell, regardless of their financial status; to reduce health disparities and enhance the health of the Greater Lowell community; and to empower each individual to maximize their overall well-being.

Public health and public safety issues related to brownfields sites can be seen not only in site contamination, but also in crime related to vacant properties, and injuries resulting from the occupation of dilapidated structures. The Health Center has seen firsthand how EPA Brownfields funding can positively impact public health in a Brownfields impacted community. Lowell Community Health Center recently renovated an historic structure within the Hamilton Canal District, a 15-acre vacant and underutilized former industrial area in the midst of downtown Lowell, where it consolidated and expanded our operations. Through a combination of funding sources, including Brownfields Assessment and Cleanup funding, redevelopment of the Hamilton Canal District has helped pave the way not only for the Health Center's relocation, but also the redevelopment of several large formerly contaminated brownfields sites including the JAM Parking Garage, Appleton Mills, and 110 Canal. The Health Center currently serves more than 50,000 patients at its location in the Hamilton Canal District in Lowell.

Lowell Community Health Center will continue to work with the City of Lowell to provide important health data and communicate with residents regarding any health concerns related to brownfields properties. I fully support the efforts of the City of Lowell in obtaining additional funding to assist with the cleanup of contaminated sites. Any programs that can ensure the health and welfare of the City's residents will benefit our mission and the community at large.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dorcas Grigg-Saito".

Dorcas Grigg-Saito  
Chief Executive Officer



THE

# Lowell Plan

660 Suffolk Street, Suite 120 Lowell, MA 01851  
978.459.9899 978.454.7637

January 8, 2014

Environmental Management Support, Inc.  
Attn: Mr. Don West  
8601 Georgia Avenue, Suite 500  
Silver Spring, MD 20910

Dear Mr. West,


As Executive Director of The Lowell Plan, I am writing to you in support of the City of Lowell's application to the U.S. Environmental Protection Agency (U.S. EPA) for a Brownfields Assessment Grant.

The Lowell Plan, Inc. is a private non-profit economic development organization that (1) provides a forum for private and public sector leaders to discuss Lowell's economic, educational, and cultural development; and (2) supports and advocates for partnership programs that advance the strategic goals of the organization.

The Ayer's City Industrial Park is a unique area of the City that blends heavy industry with commercial and residential uses over approximately 111 acres of land in Lowell's Sacred Heart neighborhood. Much of the area is zoned for industrial uses, with commercial and residential uses permitted along its periphery. Ayer's City Industrial Park is one of only a few active industrial areas left in the City of Lowell and, as such, provides a unique opportunity for discussion about Lowell's economic and industrial future.

The Lowell Plan serves to promote and advocate for economic development projects, like Ayer's City Industrial Park, that will help to advance the City of Lowell through increased jobs and revenue. *Lowell: A 2020 Vision* is a video that was produced by the Lowell Plan in 2012. The video combined aerial footage with dramatic computer models displaying future development projects including the Ayer's City Industrial Park. Perceived and known contamination related to Ayer's City Industrial Park's industrial past could prove to hinder this vision. The Lowell Plan fully supports the City's efforts to obtain funding to make this vision a reality and commits to continuing to promote and advocate for the redevelopment of Ayer's City Industrial Park.

Sincerely,

  
James J. Cook  
Executive Director  
The Lowell Plan

January 7, 2014

Environmental Management Support, Inc  
Attn: Mr. Don West  
8601 Georgia Avenue, Suite 500  
Silver Spring, MD 20910  
Phone: 301-589-5318

Dear Mr. West,

On behalf of the Riverside Community Council/Sacred Heart Neighborhood Improvement Group (RCC/SHNIG), I am writing to provide full support of the City of Lowell's application to the U.S. Environmental Protection Agency (EPA) for a Brownfields Assessment Grant.

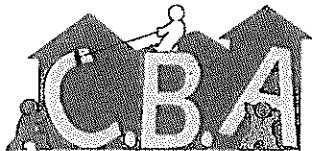
The RCC/SHNIG has worked closely for many years with the City, including participation and support for the Brownfields Area-Wide Planning Pilot work performed in the Tanner Street District within the Sacred Heart neighborhood in Lowell. This district is plagued with significant environmental contamination issues, including several Brownfields sites ripe for redevelopment and the Silresim Superfund Site. Should the City receive funding through the EPA Brownfields Program, the efforts made with the Brownfields Area-Wide Planning Pilot could be expanded upon to promote private redevelopment in the Tanner Street District.

RCC/SHNIG is committed to working with the City to communicate important brownfields information to the neighborhood and to attend meetings, as needed. It is my hope that you will look favorably on this worthwhile grant application. If you should have any questions, feel free to contact me at [elaine.pantano@comcast.net](mailto:elaine.pantano@comcast.net) or you can call 978-458-6572.

Sincerely,



Elaine Pantano  
74A Roper Street  
Lowell, MA 01852



## COALITION FOR A BETTER ACRE

517 Moody Street, Floor 3 Lowell, MA 01854-4014  
Phone: 978/452-7523 Fax: 978/452-4923  
[www.coalitionforabetteracre.org](http://www.coalitionforabetteracre.org)

January 8, 2014

Environmental Management Support, Inc  
Attn: Mr. Don West  
8601 Georgia Avenue, Suite 500  
Silver Spring, MD 20910

Dear Mr. West,

The Coalition for a Better Acre (CBA) is a membership based community development corporation dedicated to resident empowerment and sustainable community revitalization for current and future residents of Lowell. On behalf of CBA, I am writing in support of the City of Lowell's application to the U.S. Environmental Protection Agency (EPA) for a Brownfields Assessment grant.

CBA promotes healthy, vibrant neighborhoods by developing resident leaders, affordable housing and economic opportunities, and by responding to community needs through collective action. CBA programs address the most pressing community needs and create avenues to promote true grassroots community development.

CBA was a key partner in the City's 1999 ACRE Urban Revitalization and Development Project Area Plan, which has leveraged over \$94M in public and private investment in the Acre neighborhood of Lowell. This investment includes funding from a number of EPA Brownfields grants for key redevelopment sites including the former Soucy property on Mt. Vernon Street, and more currently, properties on Willie Street and Rock Street. As part of work to revitalize the Acre Neighborhood, CBA purchased 95 Rock Street, a 42,000 square foot industrial building, and created a manufacturing incubator. With Federal Office of Community Services funding, CBA subsequently made an equity investment in a local business, UnWrapped, which located at this Rock Street facility.

CBA has an ongoing interest in duplicating the success of this incubator space. The Ayer's City Industrial Park Area-Wide Plan affords a unique opportunity for this type venture, however; CBA is aware that perceived and known contamination in this area could hinder future projects. Funding from the EPA Brownfields Assessment Grant program, for which the City is applying, will help to ensure the creation of viable opportunities for the redevelopment of vacant and underutilized properties in the Ayer's City Industrial Park and throughout Lowell. CBA looks forward to participating in ongoing engagement and communication related to the redevelopment of the Ayer's City Industrial Park.

I hope that you look favorably upon this worthwhile application. If you have any questions, feel free to contact me at 978-452-7523 x812.

Sincerely,

Gregg Davis  
Executive Director



## Appendix F

### Other Factors Checklist

### Appendix 3 Other Factors Checklist

Name of Applicant: City of Lowell

Please identify (with an **X**) which, if any of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

Other Factor	Page #
Community population is 10,000 or less	
Federally recognized Indian tribe	
United States territory	
Applicant will assist a Tribe or territory	
Targeted brownfield sites are impacted by mine-scarred land	
Targeted brownfield sites are contaminated with controlled substances	
<input checked="" type="checkbox"/> Recent natural disaster(s) (2006 or later) occurred within community, causing significant community economic and environmental distress	6
<input checked="" type="checkbox"/> Project is primarily focusing on Phase II assessments.	9
<input checked="" type="checkbox"/> Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation	10
Community experienced manufacturing plant closure(s) (2008 or later) tied to the targeted brownfield sites or project area, including communities experiencing auto plant closures due to bankruptcy or economic disruptions.	
<input checked="" type="checkbox"/> Recent (2008 or later) significant economic disruption ( <u>unrelated</u> to a natural disaster or manufacturing/auto plant closure) has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	5
Applicant is a recipient or a core partner of a HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant that is directly tied to the project area, and can demonstrate that funding from a PSC grant has or will benefit the project area. To be considered, <u>applicant must attach documentation</u> which demonstrates this connection to a HUD-DOT-EPA PSC grant.	
<input checked="" type="checkbox"/> Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant	1
<input checked="" type="checkbox"/> Community is implementing green remediation plans.	9
<input checked="" type="checkbox"/> Climate Change	13